

**DISTRICT OF COLUMBIA
OFFICIAL CODE**

**FEBRUARY 2014
ADVANCE SERVICE**

**Updates the
June 2013 Supplements and the
October 2013 Advance Service**

Including all permanent laws in effect as of December 23, 2013, and annotations posted to LEXIS-NEXIS for the D.C. Court of Appeals and for opinions that will appear in the following traditional reporters: Supreme Court Reporter, Federal Reporter, Federal Supplement, and Bankruptcy Reporter.

Prepared by the Editorial Staff
of the Publisher and Approved by the District of Columbia
Office of the General Counsel



LexisNexis

**DISTRICT OF
COLUMBIA**
OFFICIAL CODE
2001 EDITION

FEBRUARY ADVANCE SERVICE

Updates the
June 2013 Supplements
and the
October 2013 Advance Service



LexisNexis®

COPYRIGHT © 2014
By
The District of Columbia
All Rights Reserved.

4603111

ISBN 978-1-63043-088-7 (Publication: 2014 AS)

ISBN 978-0-7698-6495-2 (Set)

Matthew Bender & Company, Inc.
701 East Water Street, Charlottesville, VA 22902
www.lexisnexus.com
Customer Service: 1-800-833-9844

LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under license. Matthew Bender is a registered trademark of Matthew Bender Properties Inc.

PREFACE

This Advance Service updates the District of Columbia Official Code, 2001 Edition, with permanent, temporary, and emergency legislation and judicial constructions contained in annotations. This Advance Service contains the Laws, general and permanent in their nature, relating to or in force in the District of Columbia (except such laws as are of application in the General and Permanent Laws of the United States) in effect as of December 23, 2013.

This February 2014 Advance Service updates, but does not replace or reprint, the contents of the 2013 Cumulative Supplements or the October 2013 Advance Service. Please continue to use both those sources in conjunction with this Advance Service until publication of the 2014 Cumulative Supplements.

This February 2014 Advance Service also updates the D.C. Official Code annotations by including notes taken from District of Columbia cases appearing in the following sources:

- Atlantic Reporter, 3d Series
- Supreme Court Reporter
- Federal Reporter, 3d Series
- Federal Supplement, 3d Series
- Bankruptcy Reporter
- D.C. Law Review

Current legislation between pamphlets or pocket parts may be accessed online at www.lexisnexus.com/advance and www.lexisnexus.com/research.

Visit our website at <http://www.lexisnexus.com> for an online bookstore, technical support, customer service, and other company information.

For further information or assistance, please call us toll-free at 800/833-9844, fax us toll-free at 800/643-1280, email us at customer.support@lexisnexus.com, or write to: D.C. Editor, LexisNexis, 701 East Water Street, Charlottesville, VA 22902-5389.

February 2014

LEXISNEXIS

COUNCIL OF THE DISTRICT OF COLUMBIA

Phil Mendelson, *Chairman*

Yvette M. Alexander
Marion Barry
Anita Bonds
Muriel Bowser
David A. Catania
Mary M. Cheh

Jack Evans
Jim Graham
David Grosso
Kenyan R. McDuffie
Vincent B. Orange, Sr.
Tommy Wells

OFFICE OF THE GENERAL COUNSEL

Under Whose Direction This
Volume Has Been Prepared

V. David Zvenyach, *General Counsel*

John Hoellen, *Legislative Counsel*

Benjamin F. Bryant, Jr., *Codification Counsel*

Karen R. Barbour, *Legal Assistant*

*

DISTRICT OF COLUMBIA SELF-GOVERNMENT
AND GOVERNMENTAL REORGANIZATION ACT

AN ACT

To reorganize the governmental structure of the District of Columbia, to provide a charter for local government in the District of Columbia subject to acceptance by a majority of the registered qualified electors in the District of Columbia, to delegate certain legislative powers to the local government, to implement certain recommendations of the commission on the organization of the government of the District of Columbia, and for other purposes.

(Approved, Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198.)

*Be it enacted by the Senate and House of Representatives of the
United States of America in Congress assembled,*

TABLE OF CONTENTS

Title I	Sec. 413. Investigations by the Council.
Short Title, Purposes, and Definitions	PART B—THE MAYOR
Sec. 101. Short title.	Sec. 421. Election, qualifications, vacancy, and compensation.
Sec. 102. Statement of purposes.	Sec. 422. Powers and duties.
Sec. 103. Definitions.	Sec. 423. Municipal planning.
Title II	PART C—THE JUDICIARY
Governmental Reorganization	Sec. 431. Judicial powers.
Sec. 201. Redevelopment Land Agency.	Sec. 432. Removal, suspension, and involuntary retirement.
Sec. 202. National Capital Housing Authority.	Sec. 433. Nomination and appointment of judges.
Sec. 203. National Capital Planning Commission and municipal planning.	Sec. 434. District of Columbia Judicial Nomination Commission.
Sec. 204. District of Columbia Manpower Administration.	PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT
Title III	Subpart 1—Budget and Financial Management
District Charter Preamble, Legislative Power, and Charter Amending Procedure	Sec. 441. Fiscal year.
Sec. 301. District Charter preamble.	Sec. 442. Submission of annual budget.
Sec. 302. Legislative power.	Sec. 443. Multiyear plan.
Sec. 303. Charter amending procedure.	Sec. 444. Multiyear capital improvements plan.
Title IV	Sec. 445. District of Columbia courts' budget.
The District Charter	Sec. 446. Enactment of appropriations by Congress.
PART A—THE COUNCIL	Sec. 447. Consistency of budget, accounting, and personnel systems.
Subpart 1—Creation of the Council	Sec. 448. Financial duties of the Mayor.
Sec. 401. Creation and membership.	Sec. 449. Accounting supervision and control.
Sec. 402. Qualifications for holding office.	Sec. 450. General and special funds.
Sec. 403. Compensation.	Sec. 451. Contracts extending beyond one year.
Sec. 404. Powers of the Council.	Sec. 452. Annual budget for the Board of Education.
Subpart 2—Organization and Procedure of the Council	
Sec. 411. The Chairman.	
Sec. 412. Acts, resolutions, and requirements for quorum.	

Subpart 2—Audit

Sec. 455. District of Columbia Auditor.

Subpart 1—Borrowing

Sec. 461. District's authority to issue and redeem general obligation bonds for capital projects.

Sec. 462. Contents of borrowing legislation.

Sec. 463. Publication of borrowing legislation.

Sec. 464. Short period of limitation.

Sec. 465. Acts for issuance of general obligation bonds.

Sec. 466. Public sale.

Subpart 2—Short-Term Borrowing

Sec. 471. Borrowing to meet appropriations.

Sec. 472. Borrowing in anticipation of revenues.

Sec. 473. Notes redeemable prior to maturity.

Sec. 474. Sales of notes.

Subpart 3—Payment of Bonds and Notes

Sec. 481. Special tax.

Sec. 485. Tax exemption.

Sec. 486. Legal investment.

Sec. 487. Water pollution.

Sec. 488. Cost of reservoirs on Potomac River.

Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.

Sec. 490. Revenue bonds and other obligations.

PART F—INDEPENDENT AGENCIES

Sec. 491. Board of Elections.

Sec. 492. Zoning Commission.

Sec. 493. Public Service Commission.

Sec. 494. Armory Board.

Sec. 495. Board of Education.

Title V

Federal Payment

Sec. 501. Duties of the Mayor, Council, and Federal Office of Management and Budget.

Sec. 502. Authorization of appropriations.

Title VI

Reservation of Congressional Authority

Sec. 601. Retention of constitutional authority.

Sec. 602. Limitations on the Council.

Sec. 603. Budget process; limitations on borrowing and spending.

Sec. 604. Congressional action on certain District matters.

Title VII

Referendum; Succession in Government; Temporary Provisions; Miscellaneous; Amendments to District of Columbia Election Act; Rules of Construction; and Effective Dates

PART A—CHARTER REFERENDUM

Sec. 701. Referendum.

Sec. 702. Board of Elections authority.

Sec. 703. Referendum ballot and notice of voting.

Sec. 704. Acceptance of nonacceptance of charter.

PART B—SUCCESSION IN GOVERNMENT

Sec. 711. Abolishment of existing government and transfer of functions.

Sec. 712. Certain delegated functions and functions of certain agencies.

Sec. 713. Transfer of personnel property and funds.

Sec. 714. Existing statutes, regulations, and other actions.

Sec. 715. Pending actions and proceedings.

Sec. 716. Vacancies resulting from abolishment of offices of Commissioner and Assistant to the Commissioner.

Sec. 717. Status of the District.

Sec. 718. Continuation of the District of Columbia court system.

Sec. 719. Continuation of the Board of Education.

PART C—TEMPORARY PROVISIONS

Sec. 721. Powers of the President during transitional period.

Sec. 722. Reimbursable appropriations for the District.

Sec. 723. Interim loan authority.

PART D—MISCELLANEOUS

Sec. 731. Agreements with United States.

Sec. 732. Personal interest in contracts or transactions.

Sec. 733. Compensation from more than one source.

Sec. 734. Assistance of the United States Civil Service Commission in development of District merit system.

Sec. 735. Revenue sharing restrictions.

Sec. 736. Independent audit.

Sec. 737. Adjustments.

Sec. 738. Advisory neighborhood councils.

Sec. 739. National Capital Service Area.

Sec. 740. Emergency control of police.

Sec. 741. Holding office in the District.

Sec. 742. Open meetings.

Sec. 743. Termination of the District's authority to borrow from the Treasury.

PART E—AMENDMENTS TO THE
DISTRICT OF COLUMBIA ELECTION ACT

Sec. 751. Amendments.

Sec. 752. District Council authority over elections.

PART F—RULES OF CONSTRUCTION

Sec. 761. Construction.

PART G—EFFECTIVE DATES

Sec. 771. Effective dates.

TITLE I — SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the “District of Columbia Self-Government and Governmental Reorganization Act”.

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation’s Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; authorize the election of certain local officials by the registered qualified electors in the District of Columbia; grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act —

(1) The term “District” means the District of Columbia.

(2) The term “Council” means the Council of the District of Columbia provided for by part A of title IV.

(3) The term “Commissioner” means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term “District of Columbia Council” means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term “Chairman” means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term “Mayor” means the Mayor provided for by part B of title IV.

(7) The term “act” includes any legislation passed by the Council, except where the term “Act” is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II — GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701—5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council'). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on or after January 2, 1975. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during

which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section " , except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency, including those actions specified in subsection (c), as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The Council is authorized, by act, to adopt legislation—

"(1) establishing, for the purpose of assuring uniform procedures relating to the disposition of complaints and other claims involving the Redevelopment Land Agency (or its successor) and other administrative units of the District of Columbia government, a factfinding board to receive, hear, and act on such complaints and claims arising out of or in connection with administrative and other actions of such Agency or units in carrying out their powers and functions;

"(2) providing that all planning, designing, construction, and supervision of public facilities which are to be contributed to any redevelopment area as the local non-cash grant-in-aid to the project under title I of the Housing Act of 1949, shall, to the extent practicable, be carried out by an appropriate District of Columbia department or agency on the basis of a contractual or other arrangement with the Redevelopment Land Agency or its successor;

"(3) providing that any occupied rental property owned by the Agency shall be maintained by such Agency (or its successor) in a safe and sanitary condition; or

"(4) providing that the Commissioner shall have authority to waive all or any part of any special assessments levied against abutting property owners for the cost of sewers, streets, curbs, gutters, sidewalks, utilities, and other supporting facilities or project improvements where the costs therefor to the District of Columbia can be applied as a non-cash local grant-in-aid, as defined by the Secretary of the Department of Housing and Urban Development."

(d) The first sentence of subsection (b) of section 5 of such Act (D.C. Code sec. 5-704(b)) is amended to read as follows "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code."

(e) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (6 Stat. 547).

(f) For the purposes of subsection 713(d), employees in the District of Columbia Redevelopment Land Agency shall be deemed to be transferred to

the District of Columbia as of the effective date of this title without a break in service.

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103—5-116) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (D.C. Code, sec. 1-1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

"(2) The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the 'District') in the National Capital. The Commissioner shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multi-year program of public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Commissioner shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any

State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

“(3) The Commissioner shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

“(4)(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

“(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission’s findings and recommendations, the Council may—

“(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

“(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission’s findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

“(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be imple-

mented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

“(D) The Commission and the Commissioner shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Commissioner and the Council in accordance with the provisions of this section.

“(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

“(F) The Commission and the Commissioner shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

“(b) The National Capital Planning Commission shall be composed of—

“(1) *ex officio*, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

“(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. The citizen members appointed by the Commissioner shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.”.

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1-1002(e)), is amended by (1) inserting “Federal activities in the” immediately before “National Capital” in clause (1); and (2) striking out “and District Governments,” and inserting in lieu thereof “government” in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1-1004), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended to read as follows: "The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change."

(2) The third sentence of subsection (a) of such section is amended by striking out "within the District of Columbia" and "or District".

(3) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1-1005), is amended as follows:

(1) Subsection (c) of such section is amended to read as follows:

"(c) The provisions of section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5-428), are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission."

(2) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government, which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region."

(e) Section 6 of such Act (D.C. Code, sec. 1-1006) is repealed.

(f) Section 7 of such Act (D.C. Code, sec. 1-1007) is amended to read as follows:

"Sec. 7. (a) The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

"(b) The Commissioner shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Self-Government and Governmental Reorganization Act. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan."

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1-1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps

as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States (with respect to a public employment service in the States) generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121—36-133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, sec. 36-123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner, effective the day after the day on which the District establishes an independent personnel system or systems.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position into which he was transferred, such position shall no longer be a position in such competitive service.

(h) The first section of the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (relating to the welfare of apprentices), is amended by inserting at the end thereof "For the purposes of this Act the term 'State' shall include the District of Columbia."

TITLE III — DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District voting thereon in the charter referendum held with respect thereto.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except sections 401(a) and 421(a), and part C of such title, may be amended by an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in the referendum held for such ratification. The Chairman of the Council shall submit all such acts to the Speaker of the House of Representatives and the President of the Senate on the day the Board of Elections certifies that such act was ratified by a majority of the registered qualified electors voting thereon in such referendum.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect only if within thirty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was submitted to the Congress both Houses of Congress adopt a concurrent resolution, according to the procedures specified in section 604 of this Act, approving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not

enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV — THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia; and the members of the Council shall be elected by the registered qualified electors of the District.

(b)(1) The Council established under subsection (a) shall consist of thirteen members elected on a partisan basis. The Chairman and four members shall be elected at large in the District, and eight members shall be elected one each from the eight election wards established, from time to time, under the District of Columbia Election Act. The term of office of the members of the Council shall be four years, except as provided in paragraph (3), and shall begin at noon on January 2 of the year following their election.

(2) In the case of the first election held for the office of member of the Council after the effective date of this title, not more than two of the at-large members (excluding the Chairman) shall be nominated by the same political party. Thereafter, a political party may nominate a number of candidates for the office of at-large member of the Council equal to one less than the total number of at-large members (excluding the Chairman) to be elected in such election.

(3) Of the members first elected after the effective date of this title, the Chairman and two members elected at-large and four of the members elected from election wards shall serve for four-year terms; and two of the at-large members and four of the members elected from election wards shall serve for two-year terms. The members to serve the four-year terms and the members to serve the two-year terms shall be determined by the Board of Elections by lot, except that not more than one of the at-large members nominated by any political party shall serve for any such four-year term.

(c) The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(d)(1) In the event of a vacancy in the Council of a member elected from a ward, the Board of Elections shall hold a special election in such ward to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days, after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council shall take office on the day on which the Board of Elections certifies his election, and shall serve

as a member of the Council only for the remainder of the term during which such vacancy occurred.

(2) In the event of a vacancy in the office of Mayor, and if the Chairman becomes a candidate for the office of Mayor to fill such vacancy, the office of Chairman shall be deemed vacant as of the date of the filing of his candidacy. In the event of a vacancy in the Council of a member elected at large, other than a vacancy in the office of Chairman, who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the Board of Elections can hold a special election to fill such vacancy, and such special election shall be held on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise be held under the provision of this subsection. The person appointed to fill such vacancy shall take office on the date of his appointment and shall serve as a member of the Council until the day on which the Board certifies the election of the member elected to fill such vacancy in either a special election or a general election. The person elected as a member to fill such a vacancy on the Council shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred. With respect to a vacancy on the Council of a member elected at large who is not affiliated with any political party, the Council shall appoint a similarly nonaffiliated person to fill such vacancy until such vacancy can be filled in a special election in the manner prescribed in this paragraph. Such person appointed by the Council shall take office and serve as a member at the same time and for the same term as a member appointed by a central committee of a political party.

(3) Notwithstanding any other provision of this section, at no time shall there be more than three members (including the Chairman) serving at large on the Council who are affiliated with the same political party.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for such office is to be held, and (d) holds no public office (other than his employment in and position-as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A

member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section, and, in the case of the Chairman, section 403(c).

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of members of the Council beginning after the date of enactment of such change.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman shall receive, in addition to the compensation to which he is entitled as a member of the Council, \$10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman shall not engage in any employment (whether as an employee or as a self-employed individual) or hold any position (other than his position as Chairman), for which he is compensated in an amount in excess of his actual expenses in connection therewith.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate

the same by affixing his signature thereto, and such act shall become law subject to the provisions of section 602(c). If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council netting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law subject to the provisions of section 602(c). If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman to the President of the United States. Subject to the provisions of section 602(c), such act, except any act of the Council submitted to the President in accordance with the Budget and Accounting Act, 1921, shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

(f) In the case of any budget act adopted by the Council pursuant to section 446 of this Act and submitted to the Mayor in accordance with subsection (e) of this section, the Mayor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Mayor so disapproves of any item or provision, he shall append to the act when he signs it a statement of the item or provision which he disapproves, and shall, within such ten-day period, return a copy of the act and statement with his objections to the Council. If, within thirty calendar days after any such item or provision so disapproved has been timely returned by the Mayor to the Council, two-thirds of the members of the Council present and voting vote to reenact any such item or provision, such item or provision so reenacted shall be transmitted by the Chairman to the President of the United States. In any case in which the Mayor fails to timely return any such item or provision so disapproved to the Council, the Mayor shall be deemed to have approved such item or provision not returned, and such item or provision not returned shall be transmitted by the Chairman to the President of the United States.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman shall act in his stead. While the Chairman is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this

Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least thirteen days intervening between each reading. Upon final adoption by the Council each act shall be made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpoenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpoena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia; and the Mayor shall be elected by the registered qualified electors of the District.

(b) The Mayor established by subsection (a) shall be elected, on a partisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(c)(1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for Mayor is to be held, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position

(other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor shall take office on the day on which the Board of Elections certifies his election, and shall serve as Mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman shall become Acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman. While the Chairman is Acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman is Acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(d) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of Mayor next beginning after the date of such change. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper

execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or Absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system, pursuant paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage, under a District government merit system. The District government merit system shall be established by act of the Council. The system may provide for continued participation in all or part of the federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employer disability and

death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of the District's elements of the comprehensive plan for the National Capital which may include land use elements, urban renewal and redevelopment elements, a

multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or addition thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a proposed District element of the comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the District's elements and amendments thereto, to the Council for revision or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such elements and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such elements or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such elements and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. the Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall

be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary, the Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner as [sic] which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both or [sic] whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief Judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission

files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) Except as provided in section 434(d)(1), the President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be unqualified for appointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of seven members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (b)(4)(A) shall serve for five years; of the members first selected in accordance with subsection (b)(4)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (b)(4)(C), one member shall serve for a

term of three years and one member shall serve for five years; the member first selected in accordance with subsection (b)(4)(D) shall serve for six years; and the member first appointed in accordance with subsection (b)(4)(E) shall serve for six years. In making the respective first appointments according to subsections (b)(4)(B) and (b)(4)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b)(1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least 90 days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts. Members of the Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

(5) Any member of the Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman or a majority of the Commission held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy. In the event the President fails to nominate, for Senate confirmation, one of the persons on the list submitted to him under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the Senate, appoint one of those persons to fill the vacancy for which such list was originally submitted to the President.

(2) In the event any person recommended by the Commission to the President requests that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) At such time as the Council may direct, the Mayor shall prepare and submit to the Council each year, and make available to the public,

an annual budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures resulting from financial transactions undertaken on either an obligation or cash-outlay basis, for such fiscal year shall not exceed estimated resources from existing sources and proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvements plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the immediately preceding three fiscal years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments must be made for all bonds which have been or will be issued, and all loans from the United States Treasury which have been or will be received, to finance the total cost on a full funding basis of all projects listed in the capital improvements plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds and loans from the United States Treasury; received or proposed, separately identified) to the bonding limitation for the current and forthcoming fiscal year as specified in section 603(b).

MULTIYEAR CAPITAL IMPROVEMENTS PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c), without revision but subject to his recommendations. Notwithstanding any other provision of this Act, the Council may comment or make recommendations concerning such annual estimates involving the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system submitted by such courts but shall have no authority under this Act to revise such estimates. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the District of Columbia Auditor and the Comptroller General of the United States.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, within fifty calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by act by the Council after public hearing. Such budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress. No amount may be obligated or expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act. Notwithstanding any other provision of this Act, the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States until the completion of the budget procedures contained in this Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is

authorized by Act of Congress. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the Act of Congress authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable Acts of Congress and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, by November 1 of each fiscal year, a complete financial statement and report for the preceding fiscal year;

(5) supervise and be responsible for the assessment of all property subject to assessment and special assessments within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all moneys receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration, or exchange; and

(9) apportion the total of all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or

supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period, and all authorizations to create obligations by contract in advance of appropriations, apportion the total of such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms of receipts, vouchers, bills and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, pay-rolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this title. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All money received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditures out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

ANNUAL BUDGET FOR THE BOARD OF EDUCATION

SEC. 452. With respect to the annual budget for the Board of Education in the District of Columbia, the Mayor and the Council may establish the

maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his reports.

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603(b), the District may incur indebtedness by issuing general obligation bonds to refund indebtedness of the District at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall

bear interest, payable annually or semi-annually, at such rate and at such maturities as the Mayor, subject to the provisions of section 462 of this Act may from time to time determine to be necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for the purposes specified in section 461. Such an act shall contain, at least, provisions—

- (1) briefly describing each such project;
- (2) identifying the Act authorizing each such project;
- (3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project;
- (4) setting forth the maximum rate of interest to be paid on such indebtedness;
- (5) setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and
- (6) setting forth, in the event that the Council determines in its discretion, to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

“NOTICE

“The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-Government and Governmental Reorganization Act. _____ “Mayor.”

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be—

(1) any recitals or statements of fact contained in such act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit action, or proceeding commenced prior, to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The bonds of each issue shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. The amount of said issues to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year, the total amount payable either serially or to a sinking fund shall be substantially equal. It shall be an immaterial variance if the difference between the largest and smallest amounts of principal and interest so payable during each fiscal year during the term of the general obligation bonds does not exceed 3 per centum of the total authorized amount of such series. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of \$1,000, or \$1,000 and \$5,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of \$1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals after publication of a notice of such sale at

least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 2 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19_____". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the

levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c)(1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make annual audits of the amounts set aside and deposited in the sinking fund.

TAX EXEMPTION

SEC. 485. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of

the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local Jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603(b).

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in a fund, designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OTHER OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance or assist in the financing of undertakings in the areas of housing, health facilities, transit and utility facilities, recreational facilities, college and university facilities, and industrial and commercial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related, which financing may be effected through loans made directly or indirectly (including the purchase of mortgages, in those cases described in subsection (b) of this section, notes, or other securities) to any public, quasi-public, or private corporation, partnership, association, person, or other legal entity.

(b) Except in the case of housing, recreation, commercial and industrial development, the property, facilities, developments, and improvements being financed may not be mortgaged as additional security for bonds, notes, or other obligations, but in no event shall any property owned by the District of Columbia or the United States be mortgaged for the purpose of this section.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as contained in section 602(a)(2).

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bonds, notes, or other obligations; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof.

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act (D.C. Code, sec. 1-1103) is amended to read as follows:

"Sec. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act. One member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5-412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

“(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

“(d) The Chairman of the Zoning Commission shall be selected by the members.

“(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.”.

(b) The Act of June 20, 1938 (D.C. Code, sec. 5-413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5-414) is amended by striking out “Such regulations shall be made in accordance with a comprehensive plan and” and inserting in lieu thereof “Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the National Capital, and zoning regulations shall be”.

(2) Section 5 of such Act (D.C. Code, sec. 5-417) is amended to read as follows:

“Sec. 5. (a) No zoning regulation or map, or any amendment thereto, may be adopted by the Zoning Commission until the Zoning Commission—

“(1) has held a public hearing, after notice, on such proposed regulation, map, or amendment; and

“(2) after such public hearing, submitted such proposed regulation, map, or amendment to the National Capital Planning Commission for comment and review.

If the National Capital Planning Commission fails to submit its comments regarding any such regulation, map, or amendment within thirty days after submission of such regulation, map, or amendment to it, then the Zoning Commission may proceed to act upon the proposed regulation, map, or amendment without further comment from the National Capital Planning Commission.

“(b) The notice required by clause (1) of subsection (a) shall be published at least thirty days prior to such public hearing and shall include a statement as to the time and place of the hearing and a summary of all changes in existing zoning regulations which would be made by adoption of the proposed regulation, map, or amendment. The Zoning Commission shall give such additional notice as it deems expedient and practicable. All interested persons shall be given a reasonable opportunity to be heard at such public hearing. If the hearing is adjourned from time to time, the time and place of reconvening shall be publicly announced prior to adjournment.

“(c) The Zoning Commission shall deposit with the National Capital Planning Commission all zoning regulations, maps, or amendments thereto, adopted by it.”

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be

furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminating charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia)(D.C. Code, sec. 43-201), is amended to read as follows: The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.“.

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2-1702), is amended to read as follows: “There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.”.

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

TITLE V — FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation’s Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor’s request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payment should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the costs and benefits to the District brought about by its role as the Nation’s Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents compared to that of residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment, shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District of Columbia for the fiscal year ending June 30, 1975, the sum of \$230,000,000; for the fiscal year ending June 30, 1976, the sum of \$254,000,000; for the fiscal year ending June 30, 1977, the sum of \$280,000,000; for the fiscal year ending June 30, 1978, and for each fiscal year thereafter, the sum of \$300,000,000.

TITLE VI — RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District

on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of title I of the District of Columbia Income and Franchise Tax Act of 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code. sec. 5-405), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission on Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to mines and treatment of prisoners) during the twenty-four full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office.

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c)(1) Except acts of the Council which are submitted to the President in accordance with the Budget and Accounting Act, 1921, any act which the Council determines according to section 412(a), should take effect immediately

because of emergency circumstances, and acts proposing amendments to title IV of this Act, the Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act passed by the Council and signed by the Mayor, or vetoed by the Mayor and repassed by two-thirds of the Council present and voting (and with respect to which the President has not sustained the Mayor's veto), and every act passed by the Council and allowed to become effective by the Mayor without his signature. Except as provided in paragraph (2), no such act shall take effect until the end of the 30-day period (excluding Saturdays, Sundays, and holidays, and any day on which either House is not in session) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate and then only if during such 30-day period both Houses of Congress do not adopt a concurrent resolution disapproving such act. The provisions of section 604, except subsections (d), (e), and (f) of such section, shall apply with respect to any concurrent resolution disapproving any act pursuant to this paragraph.

(2) In the case of any such act transmitted by the Chairman with respect to any Act codified in titles 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 30-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act. The provisions of section 604, relating to an expedited procedure for consideration of resolutions, shall apply to a simple resolution disapproving such act as specified in this paragraph.

BUDGET PROCESS; LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice relating to the respective roles of the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b)(1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or Treasury capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 14 per centum of the District revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year in which the bonds will be issued. Treasury capital project loans include all borrowings from the United States Treasury, except those funds advanced to the District by the Secretary of the Treasury under the provisions of section 2501, title 47 of the District of Columbia Code, as amended.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code title 2, chapter 17, subchapter II), and obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding subsection.

(3) The 14 per centum limitation specified in paragraph (1) shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 14 percent of the District revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year for which the bonds will be issued.

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and such Treasury loans.

(C) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued.

(D) If in any one fiscal year the sum arrived at by adding subparagraphs (B) and (C) exceeds the amount determined under subparagraph (A), then the proposed general obligation bond or such Treasury loan in subparagraph (C) cannot be issued.

(c) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The Council shall be required to adopt such tax increases to the extent its budget is approved. For the purposes of this section, the Council shall use a Federal payment amount not to exceed the amount authorized by Congress. In determining whether any such budget would result in expenditures so being made in excess of such resources, amounts included in the budget estimates of the District of Columbia courts in excess of the recommendations of the Council shall not be applicable.

(d) The Mayor shall not forward to the President for submission to Congress a budget which is not balanced according to the provision of subsection 603(c).

(e) Nothing in this Act shall be construed as affecting the applicability to the District government of the provisions of section 3679 of the Revised Statutes of the United States (31 U.S.C. 665), the so-called Anti-Deficiency Act.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise, of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a

part of the rule of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rule (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a concurrent resolution, the matter after the resolving clause of which is as follows: "That the _____ approves/disapproves of the action of the District of Columbia Council described as follows: _____.", the blank spaces therein being appropriately filled, and either approval or disapproval being appropriately indicated; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of twenty calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII — REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A

Charter Referendum

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the “charter referendum”) shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, within a blank space appropriately filled:

“The District of Columbia Self-Government and Governmental Reorganization Act, enacted _____, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District voting on this issue.

“Indicate in one of the squares provided below whether you are for or against the charter.

“☐ For the charter

“☐ Against the charter.

“In addition, the Act referred to above authorizes the establishment of Advisory Neighborhood Councils if a majority of the registered qualified voters of the District vote for such Councils.

"Indicate in one of the squares provided below whether you are for or against the establishment of Advisory Neighborhood Councils.

☐ For Advisory Neighborhood Councils

☐ Against Advisory Neighborhood Councils."

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second and fourth paragraphs of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OF NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B

Succession in Government

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the

District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission. Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 404(a) of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL PROPERTY AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his function shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made; taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as a reappropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the

District (D.C. Code, sec. 1-102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended or repealed by act or resolution as authorized in this Act, or by Act of Congress, except that, notwithstanding the provisions of section 752 of this Act, such authority to repeal shall not be construed as authorizing the Council to repeal or otherwise alter, by amendment or otherwise, any provision of subchapter III of chapter 73 of title 5, United States Code, in whole or in part.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF THE DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C

Temporary Provisions

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of \$750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

INTERIM LOAN AUTHORITY

SEC. 723. (a) The Mayor is authorized to accept loans for the District from the Treasury of the United States, and the Secretary is authorized to lend to the Mayor such sums as the Mayor may determine are required to complete capital projects for which construction and construction services funds have been authorized or appropriated, as the case may be, by Congress prior to the effective date of title IV. In addition, such loans may include funds to pay the District's share of the cost of the adopted regional system specified in the National Capital Transportation Act of 1969.

(b) Loans advanced pursuant to this section during any six-month period shall be at a rate of interest determined by the Secretary as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowing at a maturity approximately equal to the period of time the loan is outstanding.

(c) Subject to the limitations contained in section 603(b), there are authorized to be appropriated such sums as may be necessary to make loans under this section.

PART D

Miscellaneous

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or

agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations available to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a nonreimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protection Service in the performance of their respective protective duties under section 3056 of title 18 of the United States Code and section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system or systems required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

“(c) DISTRICT OF COLUMBIA— For purposes of this title, the District of Columbia shall be treated both—

“(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

“(2) as a county area which has no units of local government (other than itself) within its geographic area.”.

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited annually by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within ninety days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) the Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood council area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per \$100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) The Council shall have authority in accordance with the provisions of this Act, to legislate with respect to the advisory neighborhood councils established in this section.

(h) The foregoing provisions of this section shall take effect only if agreed to in accordance with the provisions of section 703(a) of this Act.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) and particularly described in subsection (f), adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in

sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j), the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) and subsection (f), adequate police protection and maintenance of streets and highways.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39-603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e)(1) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(f)(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with

the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point, where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g)(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as if included in this Act, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(3) Section 1 of the Act of July 31, 1946, as amended by the Act of October 20, 1967 (60 Stat. 718; 81 Stat. 275; 40 U.S.C. 193a), is hereby amended to include within the definition of the United States Capitol Grounds, the following streets: "Independence Avenue from the west curb of First Street S.E.

to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the north curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street, from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street. N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area. Nothing in this section shall be construed as repealing, or otherwise altering modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the effective date of title IV of this Act vesting authority in the United States Supreme Court police and Library of Congress police to make arrests in adjacent streets, including First Street N.E. and First Street S.E.”.

(4) Section 9 of the Act of July 31, 1946, as amended (40 U.S.C. 212a), is amended by deleting “or of any States,” and inserting in lieu thereof a comma and the following: “of the District of Columbia, or of any State,”.

(5) Section 9 of such Act is further amended by deleting the following: “, with the exception of the streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia.”.

(6) Section 14(a) of the Act of July 31, 1946, as amended (40 U.S.C. 212b), is amended by deleting: “, except on those streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia”.

(7) Section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended by deleting “: *Provided*, That those streets and roadways in said United States Capitol Grounds shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia shall continue under such jurisdiction and control, and said Commissioners shall be responsible for the maintenance and improvement thereof: *Provided further*,” and inserting in lieu thereof a comma and the following: “including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*,”.

(8) Section 9 of the Act of August 18, 1949, as amended (40 U.S.C. 13n), is amended by deleting “or of any State” and inserting in lieu thereof a comma and the following: “any law of the District of Columbia, or of any State,”.

(9) Section 9 of the Act of August 4, 1950, as amended (2 U.S.C. 167h), is amended by deleting “or of any State” and inserting in lieu thereof a comma and the following: “any law of the District of Columbia, or of any State,”.

(h)(1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a, 193m), or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j) and except to the extent herein specifically provided, including amendments made by this section, nothing in this section shall be construed to repeal, amend, alter, modify, or supersede any provision of the Act of July 31, 1946, as amended (40 U.S.C. 193a et seq.), or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date immediately preceding such effective date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by this Act to be rendered or furnished (including maintenance of streets and highways, and services under section 731 of this Act) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on such date immediately preceding the effective date of title IV of this Act with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(i) Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act and which, on such date immediately preceding the effective date of such title, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after such effective date, continue to be applicable to and within such National Capital Service Area in the same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as

they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification.

(j) In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area.

EMERGENCY CONTROL OF POLICE

SEC. 740. (a) Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide, him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate. In no case, however, shall such services made available pursuant to any such direction under this subsection extend for a period in excess of forty-eight hours unless the President has, prior to the expiration of such period, notified the Chairman and ranking minority Members of the Committees on the District of Columbia of the Senate and the House of Representatives, in writing, as to the reason for such direction and the period of time during which the need for such services is likely to continue.

(b) Subject to the provisions of subsection (c) of this section, such services made available in accordance with subsection (a) of this section shall terminate upon the end of such emergency, the expiration of a period of thirty days following the date on which such services are first made available, or the adoption of a resolution by either the Senate or the House of Representatives providing for such termination, whichever first occurs.

(c) Notwithstanding the foregoing provisions of this section, in any case in which such services are made available in accordance with the provisions of subsection (a) of this section during any period of an adjournment of the Congress sine die, such services shall terminate upon the end of the emergency, the expiration of the thirty-day period following the date on which Congress first convenes following such adjournment, or the adoption of a resolution by either the Senate or the House of Representatives providing for such termination, whichever first occurs,

(d) Except to the extent provided for in subsection (c) of this section, no such services made available pursuant to the direction of the President pursuant to subsection (a) of this section shall extend for any period in excess of thirty days, unless the Senate and the House of Representatives approve a concurrent resolution authorizing such an extension.

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of Chairman or member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on

and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election:

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost.

TERMINATION OF THE DISTRICT'S AUTHORITY TO BORROW FROM THE TREASURY

SEC. 743. (a) The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9-220), is amended by striking out subsections (b), (c), (d), and (e).

(b) The Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (60 Stat. 195; D.C. Code, sec. 43-1540), is repealed.

(c) Title II of the Act entitled "An Act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes", approved May 18, 1954 (68 Stat. 108), is amended by striking out sections 213, 214, 216, 217, and 218 (D.C. Code, sections 43-1612, 43-1613, 43-1615, 43-1616, and 43-1617), authorizing loans from the United States Treasury for sanitary and combined sewer systems of the District.

(d) Section 402 of title IV of such Act approved May 18, 1954 (68 Stat. 110; D.C. Code, sec. 7-133), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

(e) Nothing contained in this section shall be deemed to relieve the District of its obligation to repay any loan made to it under the authority of the Acts specified in the preceding subsections, nor to preclude the District from using the unexpended balance of any such loan appropriate to the District prior to

the effective date of this provision, nor to prevent the District from fulfilling the provisions of section 722.

PART E

Amendments to the District of Columbia Election Act

AMENDMENTS

SEC. 751. The District of Columbia Election Act (D.C. Code, secs. 1-1101—1-1115) is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1-1101) is amended by inserting immediately after “Board of Education,” the following: “the members of the Council of the District of Columbia, the Mayor”.

(2) Section 2 of such Act (D.C. Code, sec. 1-1102) is amended by adding at the end thereof the following new paragraphs:

“(8) The term ‘Council’ or ‘Council of the District of Columbia’ means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

“(9) The term ‘Mayor’ means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.”

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act (D.C. Code, sec. 1-1108) are amended to read as follows:

“(h)(1)(A) The Delegate, Mayor, Chairman of the District Council and the four at-large members of the Council shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate, Mayor, Chairman of the District Council, and at-large members of the Council in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election.

“(B)(i) A member of the office of Council (other than the Chairman and any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District from which the individual seeking such office was elected as a candidate for such office as provided in clause (ii) of this paragraph.

“(ii) Each candidate for the office of member of the Council (other than Chairman and at-large members) shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected as such a candidate, by the registered qualified electors of the ward of the District from which such individual was nominated, at the next preceding primary election to fill such office within that ward.

“(2) The nomination and election of any individual to the office of Delegate, Mayor, Chairman of the Council and member of the Council shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party

for any such office or for its candidates for electors of President and Vice President.

“(i)(1) Each individual in a primary election for candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred fourteenth day before the date of such election.

“(2) Each individual in a primary election for candidate for the office of member of the Council (other than the Chairman and at-large members) shall be nominated for such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two hundred and fifty persons in the ward from which such individual seeks election who are duly registered in such ward under section 7 of this Act, and who are of the same political party as the nominee.

“(3) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

“(j)(1) A duly qualified candidate for the office of Delegate, Mayor, Chairman of the Council, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than the Chairman or an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election; and in the case of a person who is a candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council, signed by duly registered voters equal in number to 1 ½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

“(2) Nominations under this subsection for candidates for election in a general election to any office referred to in paragraph (1) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

“(k)(1) In each general election for the office of member of the Council (other than the office of the Chairman or an at-large member) the Board shall

arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate who (A) has been duly elected by any political party in the next preceding primary election for such office from such ward, (B) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (C) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

“(2) In each general election for the office of Chairman and member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election, including the Chairman. Such candidates shall be only those persons who (A) have been duly elected by any political party in the next preceding primary election for such office, (B) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (C) have been nominated directly as a candidate under subsection (j) of this section.

“(3) In each general election for the office of Delegate and Mayor, the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for any such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.”

(4) Paragraph (3) of section 10(a) of such Act (D.C. Code, sec. 1-1110) is amended (1) by inserting “(A)” immediately before the word “Except”, and (2) by adding at the end thereof the following:

“(B) Except as otherwise provided in the case of special elections under this Act primary elections of each political party for the office of member of the Council shall be held on the first Tuesday after the second Monday in September in 1974, and every second year thereafter, and general election for such offices shall be held on the first Tuesday after the first Monday in November in 1974 and every second year thereafter.

“(C) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor and Chairman shall be held on the first Tuesday after the second Monday in September of every fourth year, commencing with calendar year 1974, and the general election for such office shall be held on the first Tuesday after the first Monday in November in 1974 and every fourth year thereafter.”

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act (D.C. Code, sec. 1-1110) are repealed, and paragraphs (4) and (5) of such section 10(a) are amended to read as follows:

“(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board’s opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

“(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year.”

(6) Section 10(b) of such Act (D.C. Code, sec. 1-1110) is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education."

(7) Section 10(c) of such Act (D.C. Code, sec. 1-1110) is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act (D.C. Code, sec. 1-1110) is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate, Mayor, or member of the Council, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of a candidate for the office of Delegate, Mayor, or member of the Council who has been declared the winner in the preceding primary election of such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act (D.C. Code, sec. 1-1115) is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and no person shall be a candidate for more than one office on the Council in any primary election."

(10) Section 15 of such Act (D.C. Code, sec. 1-1115) is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, Chairman or member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F

Rules of Construction

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G

Effective Dates

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G, and section 722, of title VII shall take effect on the date of enactment of this Act.

(b) Title II shall take effect on July 1, 1974, except that any provision thereof which in effect transfers authority to appoint any citizen member of the National Capital Planning Commission or the District of Columbia Redevelopment Land Agency shall take effect on January 2, 1975.

(c) Titles III and IV shall take effect January 2, 1975, if title IV is accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum.

(d) Title VI and parts B, D, and F, and sections 721 and 723, of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District voting on the charter issue in the charter referendum.

Approved December 24, 1973.

TITLE 1. GOVERNMENT ORGANIZATION.

Chapter

2. District of Columbia Home Rule.
3. Specified Governmental Authority.
6. Merit Personnel System.
10. Elections.
- 11A. Government Ethics and Accountability.

CHAPTER 2. DISTRICT OF COLUMBIA HOME RULE.

Subchapter II. Governmental Reorganization

Sec.

- 1-202.04. District of Columbia Manpower Administration.

Subchapter IV. The District Charter

Part A

The Council

Subpart 1. Creation of the Council

- 1-204.04. Powers of the Council.

Subpart 2. Organization and Procedure of the Council

- 1-204.12. Acts, resolutions, and requirements for quorum.

- 1-204.24b. Appointment of the Chief Financial Officer.

Part C

The Judiciary

- 1-204.31. Judicial powers.

Part D

District Budget and Financial Management

Subpart 1. Budget and Financial Management

- 1-204.41. Fiscal year.

- 1-204.46. Enactment of local budget by Council.

Sec.

- 1-204.46b. Acceptance of grant amounts not included in annual budget.

- 1-204.47. Consistency of budget, accounting, and personnel systems.

- 1-204.51. Special rules regarding certain contracts.

Part E

Borrowing

Subpart 1. Borrowing

- 1-204.67. Authority to create security interests in District revenues.

Subpart 2. Short-Term Borrowing

- 1-204.71. Borrowing to meet appropriations.

- 1-204.72. Borrowing in anticipation of revenues.

- 1-204.75. Bond anticipation notes.

Subpart 3. Payment of Bonds and Notes

- 1-204.83. Payment of the general obligation bonds and notes.

Subpart 5. Tax Exemptions; Legal Investment; Water Pollution; Reservoirs; Metro Contributions; and Revenue Bonds

- 1-204.90. Revenue bonds and other obligations.

Subchapter II. Governmental Reorganization.

§ 1-202.04. District of Columbia Manpower Administration.

(a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary") under § 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933 (29 U.S.C. §§ 49-49k), with respect to the maintenance of a public

employment service for the District, are transferred to the Mayor. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States (with respect to a public employment service in the states) generally.

(b) The Mayor is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a) of this section.

(c) [Omitted].

(d) All functions of the Secretary of Labor and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946, 1933 (29 U.S.C. §§ 49-49k) are transferred to and shall be exercised by the Mayor. The Office of Director of Apprenticeship provided for in § 32-1403 is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Mayor, effective the day after the day on which the District establishes an independent personnel system or systems.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Mayor by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Mayor.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

(h) [Omitted].

(Dec. 24, 1973, 87 Stat. 779, Pub. L. 93-198, title II, § 204; Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(1).)

Section references. — This section is referenced in § 1-601.01 and § 1-623.46.

Editor's notes.

This section is set out above to show a correction in the historical citation.

Subchapter IV. The District Charter.

PART A.

THE COUNCIL.

Subpart 1. Creation of the Council.

§ 1-204.04. Powers of the Council.

(a) Subject to the limitations specified in §§ 1-206.01 to 1-206.04, the legislative power granted to the District by this chapter is vested in and shall be exercised by the Council in accordance with this chapter. In addition, except as otherwise provided in this chapter, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan No. 3 of 1967, shall be carried out by the Council in accordance with the provisions of this chapter.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within 10 calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law subject to the provisions of § 1-206.02(c). If the Mayor shall disapprove such act, he shall, within 10 calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within 10 calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law subject to the provisions of § 1-206.02(c) unless the Council by a recess of 10 days or more prevents its return, in which case it shall not become law. If, within 30 calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall become law subject to the provisions of § 1-206.02(c).

(f) In the case of any budget act adopted by the Council pursuant to § 1-204.46 and submitted to the Mayor in accordance with subsection (e) of this section, the Mayor shall have power to disapprove any items or provisions,

or both, of such act and approve the remainder. In any case in which the Mayor so disapproves of any item or provision, he shall append to the act when he signs it a statement of the item or provision which he disapproves, and shall, within such 10-day period, return a copy of the act and statement with his objections to the Council. If, within 30 calendar days after any such item or provision so disapproved has been timely returned by the Mayor to the Council, two-thirds of the members of the Council present and voting vote to reenact any such item or provision, such item or provision so reenacted shall be incorporated in the budget act and become law subject to the provisions of § 1-206.02(c). In any case in which the Mayor fails to timely return any such item or provision so disapproved to the Council, the Mayor shall be deemed to have approved such item or provision not returned, and such item or provision not returned shall be incorporated in the budget act and become law subject to the provisions of § 1-206.02(c). In the case of any budget act for a fiscal year which is a control year (as defined in § 47-393(4)), this subsection shall apply as if the reference in the second sentence to “ten-day period” were a reference to “five-day period” and the reference in the third sentence to “thirty calendar days” were a reference to “5 calendar days.”

(Dec. 24, 1973, 87 Stat. 787, Pub. L. 93-198, title IV, § 404; Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Apr. 17, 1995, 109 Stat. 116, Pub. L. 104-8, § 202(f)(2); July 25, 2013, D.C. Law 19-321, § 2(b), 60 DCR 1724.)

Section references. — This section is referenced in § 1-202.02, § 1-204.102, § 1-207.12, § 1-301.191, § 1-1001.16, § 1-1401, § 2-218.11, § 2-218.21, § 2-219.33, § 2-1203.01, § 2-1411.01, § 2-1411.06, § 2-1515.02, § 3-603, § 6-623.03, § 7-761.03, § 7-771.02, § 8-151.03, § 10-166, § 10-1301, § 31-1202, § 38-171, § 38-191, § 38-1208.02, § 39-201, § 47-392.02, § 47-392.08, § 50-901, and § 50-921.01.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted “incorporated in the budget act and become law subject to the provisions of § 1-206.02(c)” for “transmitted by the Chairman to the President of the United States” twice in (f).

Legislative history of Law 19-321. — Law 19-321, the “Local Budget Autonomy Act of 2012,” was introduced in Council and assigned Bill No. 19-993. The Bill was adopted on first and second readings on Dec. 4, 2012, and Dec

18, 2012, respectively. Signed by the Mayor on Jan. 18, 2013, it was assigned Act No. 19-632. Section 5 of D.C. Act 19-632 contained a clause that stated that the act would become law upon its ratification by a majority of the registered qualified electors of the District of Columbia voting in a referendum and following 35 days of congressional review. D.C. Act 19-632 was ratified by the electors of the District of Columbia in a special election held on April 23, 2013, and certified by the District of Columbia Board of Elections on May 8, 2013. D.C. Act 19-632 became effective as law on July 25, 2013, following 35 days of congressional review and assigned Law No. 19-321.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

Subpart 2. Organization and Procedure of the Council.

§ 1-204.12. Acts, resolutions, and requirements for quorum.

(a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this chapter or by the

Council. Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least 13 days intervening between each reading. Upon final adoption by the Council each act shall be made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed 90 days. Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of Elections, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the District of Columbia, or the Convention Center Board of Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

(Dec. 24, 1973, 87 Stat. 788, Pub. L. 93-198, title IV, § 412; Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Oct. 12, 1984, 98 Stat. 1974, Pub. L. 98-473, § 131(c); July 25, 2013, D.C. Law 19-321, § 2(c), 60 DCR 1724.)

Section references. — This section is referenced in § 1-206.02, § 2-552, § 2-602, § 8-171.04, and § 47-802.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 deleted “(other than an act to which § 1-204.46 applies)” following “Each proposed act” in the third sentence of (a).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

PART B-i.

CHIEF FINANCIAL OFFICER.

§ 1-204.24b. Appointment of the Chief Financial Officer.

(a) *Appointment.* —

(1) *In general.* — The Chief Financial Officer shall be appointed by the Mayor with the advice and consent, by resolution, of the Council. Upon confirmation by the Council, the name of the Chief Financial Officer shall be submitted to the Committees on Appropriations of the House of Representa-

tives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate for a 30-day period of review and comment before the appointment takes effect.

(2) *Special rule for control years.* — During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

(A) Prior to the appointment, the Authority may submit recommendations for the appointment to the Mayor.

(B) In consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

(C) After the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under subparagraph (B) of this paragraph, the Mayor shall notify the Authority of the nomination.

(D) The nomination shall be effective subject to approval by a majority vote of the Authority.

(b) *Term.* —

(1) *In general.* — All appointments made after June 30, 2007, shall be for a term of 5 years, except for appointments made for the remainder of unexpired terms. The appointments shall have an anniversary date of July 1.

(2) *Transition.* — For purposes of §§ 1-204.24a — 1-204.24f, the individual serving as Chief Financial Officer as of October 16, 2006, shall be deemed to have been appointed under this subsection, except that such individual's initial term of office shall begin upon such date and shall end on June 30, 2007.

(3) *Continuance.* — Any Chief Financial Officer may continue to serve beyond his term until a successor takes office.

(4) *Vacancies.* — Subject to subsection (c), any vacancy in the Office of Chief Financial Officer shall be filled in the same manner as the original appointment under subsection (a) of this section.

(5) *Pay.* — The Chief Financial Officer shall be paid at a rate such that the total amount of compensation paid during any calendar year does not exceed an amount equal to the limit on total pay which is applicable during the year under section 5307 of title 5, United States Code, to an employee described in section 5307(d) of such title

(c) *Authorizing treasurer or deputy CFO to perform duties in acting capacity in event of vacancy in office.* —

(1) *Service as CFO.* —

(A) *In general.* — Except as provided in subparagraph (B), if there is a vacancy in the Office of Chief Financial Officer because the Chief Financial Officer has died, resigned, or is otherwise unable to perform the functions and duties of the Office—

(i) the District of Columbia Treasurer shall serve as the Chief Financial Officer in an acting capacity, subject to the time limitation of paragraph (2); or

(ii) the Mayor may direct one of the Deputy Chief Financial Officers of the Office referred to in § 1-204.24a(c)(1) through (4) to serve as the Chief Financial Officer in an acting capacity, subject to the time limitation of paragraph (2).

(B) *Exclusion of certain individuals.* — Notwithstanding subparagraph (A), an individual may not serve as the Chief Financial Officer under such clause if the individual did not serve as the District of Columbia Treasurer or as one of such Deputy Chief Financial Officers of the Office of the Chief Financial Officer (as the case may be) for at least 90 days during the 1-year period which ends on the date the vacancy occurs.

(2) *Time limitation.* — A vacancy in the Office of the Chief Financial Officer may not be filled by the service of any individual in an acting capacity under paragraph (1) after the expiration of the 210-day period which begins on the date the vacancy occurs.

(Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198, § 424(b), as added Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 302(a); Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 155(a); Dec. 21, 2001, 115 Stat. 949, Pub. L. 107-96, § 111(d); Oct. 16, 2006, 120 Stat. 2031, Pub. L. 109-356, § 201(a); May 1, 2013, 127 Stat. 441, Pub. L. 113-8, § 2; Dec. 26, 2013, 127 Stat. 1209, Pub. L. 113-71, § 1(a).)

Section references. — This section is referenced in § 1-204.24a.

Effect of amendments.

Pub. L. 113-71 rewrote (b)(5).

Temporary legislation. — For temporary (225 days) amendment of this section, see §§ 2 and 4 of the Chief Financial Officer Compensation Temporary Amendment Act of 2013 (D.C. Law 20-44, October 24, 2013, 60 DCR 14957).

Emergency legislation. — For temporary

(90 days) amendment of this section, see §§ 2 and 5 of the Chief Financial Officer Compensation Emergency Act of 2013 (D.C. Act 20-140, July 31, 2013, 60 DCR 11792, 20 DCSTAT 1984).

Editor's notes.

Pub. L. 113-71, § 1(b) provided that the amendments made by the Act shall apply with respect to vacancies occurring on or after Dec. 26, 2013.

PART C.

THE JUDICIARY.

§ 1-204.31. Judicial powers.

(a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating [Nomination] Commission established by § 1-204.34 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until a

successor is designated, except that the term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. An individual shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 [July 29, 1970] shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy-four or removal, suspension, or involuntary retirement pursuant to § 1-204.32 and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of § 1-204.33.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this chapter as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless such person —

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in

sections 101 and 102 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to paragraph (3)(E)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of such person's predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in § 1-204.32 and to make recommendations regarding the appointment of senior judges of the District of Columbia courts as provided in § 11-1504.

(Dec. 24, 1973, 87 Stat. 795, Pub. L. 93 198, title IV, § 433; Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99 573, §§ 12, 13; June 13, 1994, Pub. L. 103 266, §§ 2(b)(6), 2(b)(7), 2(b)(8), 108 Stat. 713; Sept. 9, 1996, 110 Stat. 2369, Pub. L. 104 194, § 131(b); Apr. 26, 1996, 110 Stat. 1321-91, Pub. L. 104 134, § 133(b).)

Section references. — This section is referenced in § 11-908A.

Editor's notes. — This section is set out

above to show a correction in the historical citation.

PART D.

DISTRICT BUDGET AND FINANCIAL MANAGEMENT.

Subpart 1. Budget and Financial Management.

§ 1-204.41. Fiscal year.

(a) *In general.* — Except as provided in subsection (b) of this section, the fiscal year of the District shall, beginning on October 1, 1976, commence on the first day of October of each year and shall end on the 30th day of September of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year. The District may change the fiscal year of the District by an act of the Council. If a change occurs, such fiscal year shall also constitute the budget and accounting year.

(b) *Exceptions.* —

(1) *Armory Board.* — The fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year.

(2) *Schools.* — Effective with respect to fiscal year 2007 and each succeeding fiscal year, the fiscal year for the District of Columbia Public Schools (including public charter schools) and the University of the District of Columbia may begin on the first day of July and end on the thirtieth day of June of each calendar year.

(Dec. 24, 1973, 87 Stat. 798, Pub. L. 93-198, title IV, § 441; Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(3); Nov. 15, 1977, 91 Stat. 1383, Pub. L. 95-185, § 1; Oct. 30, 2004, 118 Stat. 2230, Pub. L. 108-386, § 4; Oct. 16, 2006, 120 Stat. 2029, Pub. L. 109-356, § 124; July 25, 2013, D.C. Law 19-321, § 2(d), 60 DCR 1724.)

Section references. — This section is referenced in § 1-301.86, § 1-301.115a, § 1-1162.07, § 47-317.03a, and § 47-392.01.

Effect of amendments.

The 2013 amendment by D.C. Law 19-321 added the third and fourth sentences in (a).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date.

Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor's notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

§ 1-204.46. Enactment of local budget by Council.

(a) *Adoption of Budgets and Supplements.* — The Council, within 70 calendar days, or as otherwise provided by law, after receipt of the budget proposal from the Mayor, and after public hearing, and by a vote of a majority of the members present and voting, shall by act adopt the annual budget for the District of Columbia government. The federal portion of the annual budget shall be submitted by the Mayor to the President for transmission to Congress. The local portion of the annual budget shall be submitted by the Chairman of the Council to the Speaker of the House of Representatives pursuant to the

procedure set forth in § 1-206.02(c). Any supplements to the annual budget shall also be adopted by act of the Council, after public hearing, by a vote of a majority of the members present and voting.

(b) *Transmission to President During Control Years.* — In the case of a budget for a fiscal year which is a control year, the budget so adopted shall be submitted by the Mayor to the President for transmission by the President to the Congress; except, that the Mayor shall not transmit any such budget, or amendments or supplements to the budget, to the President until the completion of the budget procedures contained in this chapter and the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) *Prohibiting Obligations and Expenditures Not Authorized Under Budget.* — Except as provided in § 1-204.45a(b), § 1-204.46b, § 1-204.67(d), § 1-204.71(c), § 1-204.72(d)(2), § 1-204.75(e)(2), § 1-204.83(d), and subsections (f), (g), (h)(3), and (i)(3) of § 1-204.90, no amount may be obligated or expended by any officer or employee of the District of Columbia government unless—

(1) such amount has been approved by an act of the Council (and then only in accordance with such authorization) and such act has been transmitted by the Chairman to the Congress and has completed the review process under § 1-206.02(c)(3); or

(2) in the case of an amount obligated or expended during a control year, such amount has been approved by an Act of Congress (and then only in accordance with such authorization).

(d) *Restrictions on Reprogramming of Amounts.* — After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but and only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

(e) *Definition.* — In this part, the term “control year” has the meaning given such term in § 47-393(4).

(Dec. 24, 1973, 87 Stat. 801, Pub. L. 93-198, title IV, § 446; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 2; Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(b)(1); Aug. 6, 1996, 110 Stat. 1696, Pub. L. 104-184, § 2(c)(2); Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, §§ 11509, 11714(b); Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 160(a)(2); Oct. 30, 2004, 118 Stat. 2230, Pub. L. 108-386, § 5; Oct. 16, 2006, 120 Stat. 2021, 2028, 2041, Pub. L. 109-356, §§ 101(b), 121(a), 305(b); July 25, 2013, D.C. Law 19-321, § 2(e), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.04, § 1-204.45a, § 1-204.46a, § 1-204.46b, § 1-204.67, § 1-204.71, § 1-204.72, § 1-204.75, § 1-204.83, § 1-204.90, § 1-204.102, § 1-301.86, § 1-301.115a, § 1-722, § 1-907.03, § 1-1001.16, § 1-1162.07, § 1-1163.27, § 7-751.15a, § 7-1617, § 7-2332, § 7-3004, § 24-106, § 31-3171.03, § 34-2152,

§ 38-2652, § 47-317.03a, § 47-392.02, § 47-392.08, § 47-392.21, § 47-396.01, § 47-398.03, and § 50-324.

Effect of amendments.

The 2013 amendment by D.C. Law 19-321 rewrote this section.

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date.

Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

References in text. — The District of Columbia Financial Responsibility and Management Assistance Act of 1995, referred to in (b), is Pub. L. 104-8, 109 Stat. 152, effective Apr. 17, 1995.

Editor's notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

In the Fiscal Year 2014 Budget Request Act of 2013, D.C. Act 20-127, the Council of the District of Columbia approved the following expenditure levels and appropriation language for the government of the District of Columbia for the fiscal year ending September 30, 2014.

Section 127 of An Act Making continuing appropriations for the fiscal year ending September 30, 2014, and for other purposes, approved October 17, 2013 (Pub. L. 113-46; 127 Stat. 558), provided:

“Notwithstanding any other provision of this joint resolution, the District of Columbia may expend local funds under the heading “District of Columbia Funds” for such programs and activities under title IV of H.R. 2786 (113th Congress), as reported by the Committee on Appropriations of the House of Representatives, at the rate set forth under “District of Columbia Funds-Summary of Expenses” as included in the Fiscal Year 2014 Budget Request Act of 2013 (D.C. Act 20-127), as modified as of the date of the enactment of this joint resolution.”.

§ 1-204.46b. Acceptance of grant amounts not included in annual budget.

(a) *Authority to accept, obligate, and expend amounts.* — Notwithstanding § 1-204.46(c), the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the budget as provided in such section.

(b) *Conditions.* —

(1) *Role of chief financial officer; approval by council.* — No Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until —

(A) the Chief Financial Officer submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(2) *Deemed approval by council.* — For purposes of paragraph (1)(B) of this subsection, the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if —

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A) of this subsection; or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A) of this subsection.

(c) *No obligation or expenditure permitted in anticipation of receipt or approval.* — No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) *Adjustments to annual budget.* — The Chief Financial Officer may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts provided in the budget approved by Act of Congress under § 1-204.46, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) *Reports.* — The Chief Financial Officer shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

(f) *Effective date.* — This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

(Dec. 24, 1973, 87 Stat. 801, Pub. L. 93-198, title IV, § 446b, as added Oct. 16, 2006, 120 Stat. 2040, Pub. L. 109-356, § 305(a); Mar. 11, 2009, 123 Stat. 696, Pub. L. 111-8, § 808(a); July 25, 2013, D.C. Law 19-321, § 2(f), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46 and § 44-951.06.

Effect of amendments.

The 2013 amendment by D.C. Law 19-321 in (a), substituted “§ 1-204.46(c)” for “the fourth sentence of § 1-204.46” and deleted “approved by Act of Congress” following “budget”.

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor's notes. — Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

§ 1-204.47. Consistency of budget, accounting, and personnel systems.

The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the Council (or Act of Congress, in the case of a year which is a control year). Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the Council (or Act of Congress, in the case of a year which is a control year) authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable acts of the Council (or Acts of Congress, in the case of a year which is a control year) and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

(Dec. 24, 1973, 87 Stat. 801, Pub. L. 93-198, title IV, § 447; July 25, 2013, D.C. Law 19-321, § 2(g), 60 DCR 1724; Dec. 24, 1973, 87 Stat. 801, Pub. L. 93-198, title IV, § 447.)

Section references. — This section is referenced in § 47-375.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted

"act of the Council (or Act of Congress, in the case of a year which is a control year)" for "Act of Congress," and "acts of the Council (or Acts of Congress, in the case of a year which is a control year)" for "Acts of Congress" throughout the section.

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor's notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

§ 1-204.51. Special rules regarding certain contracts.

(a) *Contracts extending beyond one year.* — No contract involving expenditures out of an appropriation which is available for more than 1 year shall be made for a period of more than 5 years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

(b) *Contracts exceeding certain amount.* —

(1) *In general.* — No contract involving expenditures in excess of \$1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council).

(2) *Deemed approval.* — For purposes of paragraph (1) of this subsection, the Council shall be deemed to approve a contract if —

(A) during the 10-day period beginning on the date the Mayor submits the contract to the Council, no member of the Council introduces a resolution approving or disapproving the contract; or

(B) during the 45-calendar day period beginning on the date the Mayor submits the contract to the Council, the Council does not disapprove the contract.

(c) *Multiyear contracts.* —

(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from —

(A) appropriations originally available for the performance of the contract concerned;

(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

(C) funds appropriated for those payments.

(3) No contract entered into under this subsection shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.

(d) *Exemption for certain contracts.* — The requirements of this section shall not apply with respect to any of the following contracts:

(1) Any contract entered into by the Washington Convention Center Authority for preconstruction activities, project management, design, or construction.

(2) Any contract entered into by the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, other than contracts for the sale or lease of the Blue Plains Wastewater Treatment Plant.

(3) At the option of the Council, any contract for a highway improvement project carried out under title 23, United States Code.

(Dec. 24, 1973, 87 Stat. 803, Pub. L. 93 198, title IV, § 451; Apr. 17, 1995, 109 Stat. 151, Pub. L. 104 8, § 304(a); Apr. 26, 1996, 110 Stat. 1321-92, Pub. L. 104 134, § 134; Sept. 9, 1996, 110 Stat. 2376, Pub. L. 104 194, § 144; Aug. 5, 1997, 111 Stat. 781, Pub. L. 105 33, § 11704(a).)

Section references. — This section is referenced in § 1-204.96, § 2-352.02, § 2-355.04, § 2-402, § 2-1553, § 4-1303.03, § 34-1731.03, § 34-2202.05, and § 44-951.11.

Editor's notes.

This section is set out above to show a correction in the historical citation.

PART E.

BORROWING.

Subpart 1. Borrowing.

§ 1-204.67. Authority to create security interests in District revenues.

(a) *In general.* — An act of the Council authorizing the issuance of general obligation bonds or notes under § 1-204.61(a), § 1-204.71(a), § 1-204.72(a), or § 1-204.75(a) may create a security interest in any District revenues as additional security for the payment of the bonds or notes authorized by such act.

(b) *Contents of acts.* — Any such act creating a security interest in District revenues may contain provisions (which may be part of the contract with the holders of such bonds or notes):

(1) Describing the particular District revenues which are subject to such security interest;

(2) Creating a reasonably required debt service reserve fund or any other special fund;

(3) Authorizing the Mayor of the District to execute a trust indenture securing the bonds or notes;

(4) Vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient, or desirable;

(5) Authorizing the Mayor of the District to enter into and amend agreements concerning:

(A) The custody, collection, use, disposition, security, investment, and payment of the proceeds of the bonds or notes and the District revenues which are subject to such security interest; and

(B) The doing of any act (or the refraining from doing any act) that the District would have the right to do in the absence of such an agreement;

(6) Prescribing the remedies of the holders of the bonds or notes in the event of a default; and

(7) Authorizing the Mayor to take any other actions in connection with the issuance, sale, delivery, security, and payment of the bonds or notes.

(c) *Timing and perfection of security interests.* — Notwithstanding article 9 of title 28 of the District of Columbia Code, any security interest in District revenues created under subsection (a) of this section shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not such individual or legal entity has notice of such lien.

(d) *Obligations and expenditures not subject to appropriation.* — Section 1-204.46(c) shall not apply to any obligation or expenditure of any District revenues to secure any general obligation bond or note under subsection (a) of this section.

(Dec. 24, 1973, 87 Stat. 806, Pub. L. 93-198, title IV, § 467, as added Dec. 23, 1981, 95 Stat. 1496, Pub. L. 97-105, § 10; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Aug. 5, 1997, 111 Stat. 770, Pub. L. 105-33, § 11505; July 25, 2013, D.C. Law 19-321, § 2(h), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46 and § 1-204.48.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted “Section 1-204.46(c)” for “The fourth sentence of § 1-204.46” in (d).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

Subpart 2. Short-Term Borrowing.

§ 1-204.71. Borrowing to meet appropriations.

(a) In the absence of unappropriated revenues available to meet appropriations made pursuant to § 1-204.46, the Council may by act authorize the issuance of general obligation notes. The total amount of all such general obligation notes originally issued during a fiscal year shall not exceed 2% of the total appropriations for the District for such fiscal year.

(b) Any general obligation note issued under subsection (a) of this section, as authorized by an act of the Council, may be renewed. Any such note, including

any renewal of such note, shall be due and payable not later than the last day of the fiscal year occurring immediately after the fiscal year during which the act authorizing the original issuance of such note takes effect.

(c) Section 1-204.46(c) shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any general obligation note issued under subsection (a) of this section.

(Dec. 24, 1973, 87 Stat. 779, Pub. L. 93-198, title VII, § 771; Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(8); July 25, 2013, D.C. Law 19-321, § 2(h), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46, § 1-204.67, § 1-204.82, § 1-204.83, and § 42-2704.02.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted “Section 1-204.46(c)” for “The fourth sentence of § 1-204.46” in (c).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

§ 1-204.72. Borrowing in anticipation of revenues.

(a) *In general.* — In anticipation of the collection or receipt of revenues for a fiscal year, the Council may by act authorize the issuance of general obligation notes for such fiscal year, to be known as revenue anticipation notes.

(b) *Limit on aggregate notes outstanding.* — The total amount of all revenue anticipation notes issued under subsection (a) of this section outstanding at any time during a fiscal year shall not exceed 20% of the total anticipated revenue of the District for such fiscal year, as certified by the Mayor under this subsection. The Mayor shall certify, as of a date which occurs not more than 15 days before each original issuance of such revenue anticipation notes, the total anticipated revenue of the District for such fiscal year.

(c) *Permitted outstanding duration.* — Any revenue anticipation note issued under subsection (a) of this section may be renewed. Any such note, including any renewal note, shall be due and payable not later than the last day of the fiscal year during which the note was originally issued.

(d) *Effective date of authorization acts; payments not subject to appropriation.* —

(1) *Effective date.* — Notwithstanding § 1-206.02(c)(1), any act of the Council authorizing the issuance of revenue anticipation notes under subsection (a) of this section shall take effect:

(A) if such act is enacted during a control year (as defined in § 47-393(4)), on the date of approval by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(B) if such act is enacted during any other year, on the date of enactment of such act.

(2) *Payments not subject to appropriation.* — Section 1-204.46(c) shall not apply to any amount obligated or expended by the District for the payment of

the principal of, interest on, or redemption premium for any revenue anticipation note issued under subsection (a) of this section.

(Dec. 24, 1973, 87 Stat. 806, Pub. L. 93-198, title IV, § 472; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 12; Aug. 5, 1997, 111 Stat. 771, Pub. L. 105-33, § 11506; July 25, 2013, D.C. Law 19-321, § 2(h), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46, § 1-204.67, § 1-204.82, § 1-204.83, and § 1-206.02.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted “Section 1-204.46(c)” for “The fourth sentence of § 1-204.46” in (d)(2).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

§ 1-204.75. Bond anticipation notes.

(a) *Authorizing issuance.* —

(1) *In general.* — In anticipation of the issuance of general obligation bonds, the Council may by act authorize the issuance of general obligation notes to be known as bond anticipation notes in accordance with this section.

(2) *Purposes; permitting issuance of general obligation bonds to cover indebtedness.* — The proceeds of bond anticipation notes issued under this section shall be used for the purposes for which general obligation bonds may be issued under § 1-204.61, and such notes shall constitute indebtedness which may be refunded through the issuance of general obligation bonds under such section.

(b) *Maximum annual debt service amount.* — The act of the Council authorizing the issuance of bond anticipation notes shall set forth for the bonds anticipated by such notes an estimated maximum annual debt service amount based on an estimated schedule of annual principal payments and an estimated schedule of annual interest payments (based on an estimated maximum average annual interest rate for such bonds over a period of 30 years from the earlier of the date of issuance of the notes or the date of original issuance of prior notes in anticipation of those bonds). Such estimated maximum annual debt service amount as estimated at the time of issuance of the original bond anticipation notes shall be included in the calculation required by § 1-206.03(b) while such notes or renewal notes are outstanding.

(c) *Permitted outstanding duration.* — Any bond anticipation note, including any renewal note, shall be due and payable not later than the last day of the third fiscal year following the fiscal year during which the note was originally issued.

(d) *General authority of Council.* — If provided for in [an] Act of the Council authorizing such an issue of bond anticipation notes, bond anticipation notes may be issued in succession, in such amounts, at such times, and bearing interest rates within the permitted maximum authorized by such Act.

(e) *Effective date of authorization acts; payments not subject to appropriation.* —

(1) *Effective date.* — Notwithstanding § 1-206.02(c)(1), any act of the Council authorizing the renewal of bond anticipation notes under subsection (c) [subsection (d)] or the issuance of general obligation bonds under § 1-204.61(a) to refund any bond anticipation notes shall take effect —

(A) if such act is enacted during a control year (as defined in § 47-393(4)), on the date of approval by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(B) if such act is enacted during any other year, on the date of enactment of such act.

(2) *Payment not subject to appropriation.* — Section 1-204.46(c) shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any bond anticipation note issued under this section.

(Dec. 24, 1973, 87 Stat. 806, Pub. L. 93-198, title IV, § 475, as added Aug. 5, 1997, 111 Stat. 771, Pub. L. 105-33, § 11507(a); July 25, 2013, D.C. Law 19-321, § 2(h), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46, § 1-204.67, and § 47-340.30.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted “Section 1-204.46(c)” for “The fourth sentence of § 1-204.46” in (e)(2).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date.

Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

Subpart 3. Payment of Bonds and Notes.

§ 1-204.83. Payment of the general obligation bonds and notes.

(a) The Council shall provide in each annual budget for the District of Columbia government for a fiscal year adopted by the Council pursuant to § 1-204.46 sufficient funds to pay the principal of and interest on all general obligation bonds or notes issued under § 1-204.61(a), § 1-204.71(a), or § 1-204.72(a) becoming due and payable during such fiscal year.

(b) The Mayor shall insure that the principal of and interest on all general obligation bonds and notes issued under § 1-204.61(a), § 1-204.71(a), or § 1-204.72(a) are paid when due, including by paying such principal and interest from funds not otherwise legally committed.

(c) Repealed.

(d) Section 1-204.46(c) shall not apply to:

(1) Any amount set aside in a debt service fund under § 1-204.81(a);

(2) Any amount obligated or expended for the payment of the principal of, interest on, or redemption premium for any general obligation bond or note issued under § 1-204.61(a), § 1-204.71(a), or § 1-204.72(a);

(3) Any amount obligated or expended as provided by the Council in any annual budget for the District of Columbia government pursuant to subsection

(a) of this section or as provided by any amendment or supplement to such budget; or

(4) Any amount obligated or expended by the Mayor pursuant to subsection (b) or (c) [(c) repealed] of this section.

(Dec. 24, 1973, 87 Stat. 807, Pub. L. 93-198, title IV, § 483, as added Dec. 23, 1981, 95 Stat. 1498, Pub. L. 97-105, § 14; Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, § 11601(b)(1)(B); July 25, 2013, D.C. Law 19-321, § 2(h), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46 and § 1-204.48.

Effect of amendments. — The 2013 amendment by D.C. Law 19-321 substituted “Section 1-204.46(c)” for “The fourth sentence of § 1-204.46” in the introductory paragraph of (d).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor’s notes. — Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

Subpart 5. Tax Exemptions; Legal Investment; Water Pollution; Reservoirs; Metro Contributions; and Revenue Bonds.

§ 1-204.90. Revenue bonds and other obligations.

(a)(1) Subject to paragraph (2) of this subsection, the Council may by act or by resolution authorize the issuance of taxable and tax-exempt revenue bonds, notes, or other obligations to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of or for capital projects and other undertakings by the District or by any District instrumentality, or on behalf of any qualified applicant, including capital projects or undertakings in the areas of housing; health facilities; transit and utility facilities; manufacturing; sports, convention, and entertainment facilities; recreation, tourism and hospitality facilities; facilities to house and equip operations of the District government or its instrumentalities; public infrastructure development and redevelopment; elementary, secondary and college and university facilities; educational programs which provide loans for the payment of educational expenses for or on behalf of students; facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services; water and sewer facilities (as defined in paragraph (5) of this subsection); pollution control facilities; solid and hazardous waste disposal facilities; parking facilities, industrial and commercial development; authorized capital expenditures of the District; and any other property or project that will, as determined by the Council, contribute to the health, education, safety, or welfare, of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District, and any facilities or property, real or personal, used in connection with or supplementing any of the foregoing; lease-purchase financing of any of the foregoing facilities or property; and any costs related to the issuance, carrying, security, liquidity or credit enhancement of or for revenue bonds, notes, or other obligations, including,

capitalized interest and reserves, and the costs of bond insurance, letters of credit, and guaranteed investment, forward purchase, remarketing, auction, and swap agreements. Any such financing, refinancing, or reimbursement may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the District and shall be a negotiable instrument, whether or not such revenue bond, note, or other obligation is a security as defined in § 28:8-102(1)(a).

(3) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the act or resolution of the Council authorizing the issuance of such revenue bond, note, or other obligation. Any act or resolution of the Council, or any delegation of Council authority under subsection (a)(6) of this section, authorizing the issuance of revenue bonds, notes, or other obligations may provide for (A) the payment of such revenue bonds, notes, or other obligations from any available revenues, assets, property (including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities), and (B) the securing of such revenue bond, note, or other obligation by the mortgage of real property or the creation of a security interest in available revenues, assets, or other property (including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities).

(4)(A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the Council may enter into, or authorize the Mayor to enter into, any agreement concerning the acquisition, use, or disposition of any available revenues, assets, or property. Any such agreement may create a security interest in any available revenues, assets, or property, may provide for the custody, collection, security, investment, and payment of any available revenues (including any funds held in trust) for the payment of such revenue bond, note, or other obligation, may mortgage any property, may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such revenue bond, note, or other obligation, and may provide for the doing of any act (or the refraining from doing of any act) which the District has the right to do in the absence of such agreement. Any such agreement may be assigned for the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection.

(B) Notwithstanding Article 9 of Title 28, any security interest created under subparagraph (A) of this paragraph shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such

security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not such individual or legal entity has notice of such lien.

(C) Any funds of the District held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, whether or not such funds are held in trust, may be secured in the manner agreed to by the District and any depository of such funds. Any depository of such funds may give security for the deposit of such funds.

(5) In paragraph (1) of this subsection, the term "water and sewer facilities" means facilities for the obtaining, treatment, storage, and distribution of water, the collection, storage, treatment, and transportation of wastewater, storm drainage, and the disposal of liquids and solids resulting from treatment.

(6)(A) The Council may by act delegate to any District instrumentality the authority of the Council under subsection (a)(1) of this section to issue taxable or tax-exempt revenue bonds, notes, or other obligations to borrow money for the purposes specified in this subsection. For purposes of this paragraph, the Council shall specify for what undertakings revenue bonds, notes, or other obligations may be issued under each delegation made pursuant to this paragraph. Any District instrumentality may exercise the authority and the powers incident thereto delegated to it by the Council as described in the first sentence of this paragraph only in accordance with this paragraph and shall be consistent with this paragraph and the terms of the delegation.

(B) Revenue bonds, notes, or other obligations issued by a District instrumentality under a delegation of authority described in subparagraph (A) of this paragraph shall be issued by resolution of that instrumentality, and any such resolution shall not be considered to be an act of the Council.

(C) Nothing in this paragraph shall be construed as restricting, impairing, or superseding the authority otherwise vested by law in any District instrumentality.

(b) No property owned by the United States may be mortgaged or made subject to any security interest to secure any revenue bond, note, or other obligation issued under subsection (a)(1) of this section.

(c) Any and all such revenue bonds, notes, or other obligations issued under subsection (a)(1) of this section shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or taxing power of the District (other than with respect to any dedicated taxes) and shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for purposes of § 1-206.02(a)(2).

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any act of the Council authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section may:

(1) Briefly describe the purpose for which such bonds, notes, or other obligations are to be issued;

- (2) Identify the act authorizing such purpose;
- (3) Prescribe the form, terms, provisions, manner, and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or other obligations;
- (4) Provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default;
- (5) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and
- (6) Authorize the Mayor to take any actions in connection with the issuance, sale, delivery, security, and payment of such bonds, notes, or other obligations, including the prescribing of any terms or conditions not contained in such act of the Council.

(f) Section 1-204.46(c) shall not apply to:

- (1) Any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligations issued under subsection (a)(1) of this section;
- (2) Any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued under subsection (a)(1) of this section;
- (3) Any amount obligated or expended pursuant to provisions made to secure any revenue bond, note, or other obligations issued under subsection (a)(1) of this section; and
- (4) Any amount obligated or expended pursuant to commitments made in connection with the issuance of revenue bonds, notes, or other obligations for repair, maintenance, and capital improvements relating to undertakings financed through any revenue bond, note, or other obligation issued under subsection (a)(1) of this section.

(g)(1) The Council may delegate to any housing finance agency established by it (whether established before or after April 12, 1980) the authority of the Council under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of primarily low-and moderate-income housing. The Council shall define for the purposes of the preceding sentence what undertakings shall constitute undertakings in the area of primarily low-and moderate-income housing. Any such housing finance agency may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after April 12, 1980) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by a housing finance agency of the District under a delegation of authority described in paragraph (1) of this subsection shall be issued by resolution of the agency, and any such resolution shall not be considered to be an act of the Council.

(3) Section 1-204.46(c) shall not apply to:

(A) Any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection;

(B) Any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued under paragraph (1) of this subsection; and

(C) Any amount obligated or expended to secure any revenue bond, note, or other obligation issued under paragraph (1) of this subsection.

(h)(1) The Council may delegate to the District of Columbia Water and Sewer Authority established pursuant to § 34-2202.02 the authority of the Council under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing or refinancing of undertakings in the area of utilities facilities, pollution control facilities, and water and sewer facilities (as defined in subsection (a)(5) of this section). The Authority may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after August 6, 1996) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by the District of Columbia Water and Sewer Authority under a delegation of authority described in paragraph (1) of this subsection shall be issued by resolution of the Authority, and any such resolution shall not be considered to be an act of the Council.

(3) Section 1-204.46(c) shall not apply to:

(A) Any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

(B) Any amount obligated or expended for the payment of the principal of interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

(C) Any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

(D) Any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

(i)(1) The Council may delegate to the District of Columbia Tobacco Settlement Financing Corporation (hereafter in this subsection referred to as the "Corporation") established pursuant to subchapter III of Chapter 18 of Title 7 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations which are used to borrow money to finance or assist in the financing or refinancing of capital projects and other undertakings of the District of Columbia and which are payable solely from and secured by payments under the Master Tobacco Settlement Agreement. The Corporation may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection and the provisions of subchapter III of Chapter 18 of Title 7.

(2) Revenue bonds, notes, and other obligations issued by the Corporation under a delegation of authority described in paragraph (1) of this subsection shall be issued by resolution of the Corporation, and any such resolution shall not be considered to be an act of the Council.

(3) Section 1-204.46(c) shall not apply to:

(A) Any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

(4) In this subsection, the term "Master Tobacco Settlement Agreement" means the settlement agreement (and related documents), as may be amended from time to time, entered into on November 23, 1998, by the District of Columbia and leading United States tobacco product manufacturers.

(j) The revenue bonds, notes, or other obligations issued under subsection (a)(1) of this section are not general obligation bonds of the District government and shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in § 1-206.03(b).

(k) The issuance of revenue bonds, notes, or other obligations by the District where the ultimate obligation to repay such revenue bonds, notes, or other obligations is that of one or more nongovernmental persons or entities may be authorized by resolution of the Council. The issuance of all other revenue bonds, notes, or other obligations by the District shall be authorized by act of the Council.

(l) During any control period (as defined in § 47-392.09), any act or resolution of the Council authorizing the issuance of revenue bonds, notes, or other obligations under subsection (a)(1) of this section shall be submitted to the District of Columbia Financial Responsibility and Management Assistance Authority for certification in accordance with § 47-392.04. Any certification issued by the Authority during a control period shall be effective for purposes of this subsection for revenue bonds, notes, or other obligations issued pursuant to such act or resolution of the Council whether the revenue bonds, notes, or other obligations are issued during or subsequent to that control period.

(m) The following provisions of law shall not apply with respect to property acquired, held, and disposed of by the District in accordance with the terms of any lease-purchase financing authorized pursuant to subsection (a)(1) of this section:

(1) Chapter 8 of Title 10.

(2) Subchapter III of Chapter 13 of Title 16.

(3) Any other provision of District of Columbia law that prohibits or restricts lease-purchase financing.

(n) For purposes of this section, the following definitions shall apply:

(1) The term "revenue bonds, notes, or other obligations" means special fund bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) used to borrow money to finance, assist in financing, refinance, or repay, restore or reimburse moneys used for purposes referred to

in subsection (a)(1) of this section the principal of and interest, if any, on which are to be paid and secured in the manner described in this section and which are special obligations and to which the full faith and credit of the District of Columbia is not pledged.

(2) The term “District instrumentality” means any agency or instrumentality (including an independent agency or instrumentality), authority, commission, board, department, division, office, body, or officer of the District of Columbia government duly established by an act of the Council or by the laws of the United States, whether established before or after August 5, 1997.

(3) The term “available revenues” means gross revenues and receipts, other than general fund tax receipts, lawfully available for the purpose and not otherwise exclusively committed to another purpose, including enterprise funds, grants, subsidies, contributions, fees, dedicated taxes and fees, investment income and proceeds of revenue bonds, notes, or other obligations issued under this section.

(4) The term “enterprise fund” means a fund or account for operations that are financed or operated in a manner similar to private business enterprises, or established so that separate determinations may more readily be made periodically of revenues earned, expenses incurred, or net income for management control, accountability, capital maintenance, public policy, or other purposes.

(5) The term “dedicated taxes and fees” means taxes and surtaxes, portions thereof, tax increments, or payments in lieu of taxes, and fees that are dedicated pursuant to law to the payment of the debt service on revenue bonds, notes, or other obligations authorized under this section, the provision and maintenance of reserves for that purpose, or the provision of working capital for or the maintenance, repair, reconstruction or improvement of the undertaking to which the revenue bonds, notes, or other obligations relate.

(6) The term “tax increments” means taxes, other than the special tax provided for in § 1-204.81 and pledged to the payment of general obligation indebtedness of the District, allocable to the increase in taxable value of real property or the increase in sales tax receipts, each from a certain date or dates, in prescribed areas, to the extent that such increases are not otherwise exclusively committed to another purpose and as further provided for pursuant to an act of the Council.

(Dec. 24, 1973, 87 Stat. 809, Pub. L. 93-198, title IV, § 490; Dec. 28, 1977, 91 Stat. 1612, Pub. L. 95-218; Apr. 12, 1980, 94 Stat. 335, Pub. L. 96-235; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 16; Oct. 15, 1982, 96 Stat. 1614, Pub. L. 97-328; Aug. 6, 1996, 110 Stat. 1696, Pub. L. 104-184, §§ 2(a), (b), (c)(1); Aug. 5, 1997, 111 Stat. 773, Pub. L. 105-33, § 11508; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 160(a)(1); July 25, 2013, D.C. Law 19-321, § 2(h), 60 DCR 1724.)

Section references. — This section is referenced in § 1-204.46, § 1-204.48, § 1-204.96, § 1-206.03, § 1-308.01, § 1-308.02, § 1-308.03, § 1-308.07, § 1-325.43, § 2-602, § 2-1217.02, § 2-1217.12, § 2-1217.33b, § 2-1217.33f, § 2-1217.34b, § 2-1217.34e, § 2-1217.71, § 2-1217.77, § 2-1217.79, § 2-1217.102, § 2-1217.103, § 2-1217.104, § 2-1217.132, § 2-1217.133, § 2-1217.137, § 6-209, § 7-1831.03, § 8-1778.02, § 8-1778.21,

§ 8-1778.22, § 8-1778.24, § 9-107.51, § 9-107.52, § 9-107.53, § 9-107.55, § 9-1108.01, § 10-1202.09, § 10-1221.02, § 10-1221.03, § 10-1601.02, § 10-1601.03, § 10-1602.02, § 10-1602.03, § 34-2202.01, § 34-2202.08, § 42-2702.06, § 42-2812.02, § 42-2812.03, § 42-2812.04, § 44-951.16, § 47-131, § 47-334, § 47-335, § 47-340.01, § 47-340.04, § 47-340.26, § 47-340.27, § 47-340.29, § 47-340.31, § 47-398.06, § 47-1052, § 47-4611, § 47-4613, and § 50-2512.

Effect of amendments.

The 2013 amendment by D.C. Law 19-321

substituted "Section 1-204.46(c)" for "The fourth sentence of § 1-204.46" in (f), (g)(3), (h)(3), and (i)(3).

Legislative history of Law 19-321. — See note to § 1-204.04.

Effective date. — Section 5 of D.C. Law 19-321 provided that the act shall take effect as provided in § 1-203.03.

Editor's notes.

Applicability of D.C. Law 19-321: Section 3 of D.C. Law 19-321 provided that section 2 of the act shall apply as of January 1, 2014.

CHAPTER 3. SPECIFIED GOVERNMENTAL AUTHORITY.

Subchapter I. Additional Governmental Powers and Responsibilities

Part D-i

Attorney General for the District of Columbia

Sec.

1-301.82. Appointment of the Attorney General.

Subchapter IV. Special Programs

Part A

General

Sec.

1-307.02. District of Columbia medical assistance program.

Subchapter I. Additional Governmental Powers and Responsibilities.

PART D-i.

ATTORNEY GENERAL FOR THE DISTRICT OF COLUMBIA.

§ 1-301.82. Appointment of the Attorney General.

(a) Until such time as an Attorney General is elected under § 1-204.35, which time shall not be before January 1, 2018, the Attorney General for the District of Columbia shall be appointed by the Mayor with the advice and consent of the Council pursuant to § 1-523.01.

(b) The Attorney General shall:

(1) Serve a 4-year term to coincide with the term for Mayor; and

(2) Be eligible for reappointment by the Mayor with the advice and consent of the Council, and may serve in a holdover capacity at the expiration of his or her term pursuant to § 1-523.01(c).

(c) This section shall not apply to the incumbent Attorney General on May 27, 2010.

(May 27, 2010, D.C. Law 18-160, § 102, 57 DCR 3012; Dec. 13, 2013, D.C. Law 20-60, § 201, 60 DCR 15487.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-60 rewrote (a) which read "Until such time as an Attorney General is elected under § 1-204.35, the Attor-

ney General for the District of Columbia shall be appointed by the Mayor with the advice and consent of the Council pursuant to § 1-523.01."

Legislative history of Law 20-60. — D.C. Law 20-60, the "Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013," was introduced in Council and assigned Bill No. 20-134. The Bill was adopted on first and second readings on July 10, 2013 and Oct. 1, 2013, respectively.

Returned without the Mayor's signature on Oct. 22, 2013, it was assigned Act No. 20-207 and transmitted to Congress for its review. D.C. Law 20-60 became effective on December 13, 2013.

Editor's notes. — Applicability of D.C. Law 20-60: Section 401(b) of D.C. Law 20-60 provided that § 201 of the act shall apply as of December 13, 2013.

Subchapter IV. Special Programs.

PART A.

GENERAL.

§ 1-307.02. District of Columbia medical assistance program.

(a)(1) In accordance with paragraph (2) of this subsection, the Mayor may submit, under title XIX of the Social Security Act (Title XIX) to the Secretary of the United States Department of Health and Human Services, a plan for medical assistance (and any modifications of the plan) to enable the District to receive federal financial assistance under Title XIX for a medical assistance program established by the Mayor under such plan.

(2) Prior to submitting a plan, modification to a plan, or waiver as provided in paragraph (1) of this subsection, or prior to implementing any pending modification or waiver, the Mayor shall submit the plan to the Council for approval. If the Council does not approve or disapprove the submission within 30 days of receipt from the Mayor, the plan shall be deemed approved.

(3) Review and approval by the Council of the Fiscal Year 2010 Budget and Financial Plan shall constitute the Council review and approval required by paragraph 2 of this subsection of any modification or waiver to the state plan required to implement during fiscal year 2010 an initiative to:

(A) Utilize Disproportionate Share Hospital funding to support the transition of individuals into health insurance programs through the modification of the Disproportionate Share Hospital qualification and distribution methodology;

(B) Change service limit methodology for personal care aide services;

(C) Enhance prescription drug utilization and review activities;

(D) Reduce reimbursement rates for prescription drugs to align pharmaceutical spending with national payment trends;

(E) Change methodologies for recovering improper payments;

(F) Obtain available State Children's Health Insurance Program funding for immigrant children and pregnant women;

(G) Shift coverage for unborn children of undocumented immigrants from the D.C. HealthCare Alliance to Medicaid;

(H) Implement a new methodology for fee-for-service inpatient hospital reimbursement; and

(I) Reduce disallowances for public provider agencies.

(4) Review and approval by the Council of the fiscal year 2011 budget and financial plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any waiver, modification to the state plan, or modification to a waiver required during fiscal year 2011 for purposes of implementing federal health care reform initiatives as set forth in the Patient Protection and Affordable Care Act, approved March 23, 2010 (124 Stat. 119; Pub. L. No. 111-148); provided, that the Department of Health Care Finance publishes a copy of any waiver, modification to the state plan, or modification to a waiver available on its website for at least 5 business days prior to submission to the Secretary of the United States Department of Health and Human Services.

(5) Review and approval by the Council of the Fiscal Year 2012 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of:

(A) Any modification or waiver to the state plan required to change the methodology used for the reimbursement for single source brand name drugs from the average wholesale price minus 10% to wholesale acquisition cost plus 3%; and

(B) Any modification or waiver to the state plan required to change in whole or in part the level of personal-care services offered as a state plan benefit.

(6) Review and approval by the Council of the Fiscal Year 2013 Budget and Financial Plan shall constitute the Council review and approval required by paragraph (2) of this subsection of any modification or waiver to the state plan required to:

(A) Update the diagnosis-related group ("DRG") grouper the agency uses to pay hospitals for inpatient care and other characteristics of the reimbursement system, such as base rates, DRG weights, outlier thresholds and transfer policy to adjust the average payment to cost ratio for inpatient care at DRG hospitals from 114% to 98%;

(B) Update the reimbursement methodology model to one based on acuity for Intermediate Care Facilities for the Intellectually Disabled;

(C) Exclude the cost of therapies, including physical therapy, occupational therapy, and speech therapy, from the calculation of the nursing and resident care component of the nursing home rate; and

(D) Transition beneficiaries to the replenishing pharmacy network for antiretroviral medications.

(b)(1) Notwithstanding any other provision of law, the Mayor may take such action as may be necessary to submit such plan to the Secretary and to establish and carry out such medical assistance program, except that in prescribing the standards for determining eligibility for and the extent of medical assistance under the District of Columbia's plan for medical assistance, the Mayor may not (except to the extent required by Title XIX of the Social Security Act):

(A) Prescribe maximum income levels for recipients of medical assistance under such plan which exceed:

(i) The Title XIX maximum income levels if such levels are in effect;
or

(ii) The Mayor's maximum income levels for the local medical assistance program if there are no Title XIX maximum income levels in effect; or

(B) Prescribe criteria which would permit an individual or family to be eligible for such assistance if such individual or family would be ineligible, solely by reason of his or its resources, for medical assistance both under the plan of the State of Maryland approved under Title XIX of the Social Security Act and under the plan of the State of Virginia approved under such title.

(2) For purposes of subparagraph (A) of paragraph (1) of this subsection:

(A) The term "Title XIX maximum income levels" means any maximum income levels which may be specified by Title XIX of the Social Security Act for recipients of medical assistance under state plans approved under that title;

(B) The term "the Mayor's maximum income levels for the local medical assistance program" means the maximum income levels prescribed for recipients of medical assistance under the District of Columbia's medical assistance program in effect in the fiscal year ending June 30, 1967; and

(C) During any of the first 4 calendar quarters in which medical assistance is provided under such plan there shall be deemed to be no Title XIX maximum income levels in effect if the Title XIX maximum income levels in effect during such quarter are higher than the Mayor's maximum income levels for the local medical assistance program.

(c) The District state plan required under Title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396 et seq.), shall provide that all persons in the following categories are eligible for Medicaid benefits:

(1) A pregnant woman or an infant under 1 year of age with an income up to 185% of the federal poverty line, as authorized by § 1902(a)(1) of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396a(a)(1));

(2) A child born after September 30, 1983, who has not attained the age of 8 years and whose family income is not more than 100% of the federal poverty line, as authorized by § 1902 of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396a); and

(3) A pregnant woman or a child during a presumptive eligibility period as authorized by § 1902(a) of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396a(a)).

(d)(1) For purposes of this subsection, the term:

(A) "TANF-related Medicaid recipient" means a family that has dependent children under 21 years of age in the home and whose income is not low enough to qualify for financial assistance, but is low enough to qualify for medical assistance.

(B) "Health maintenance organization" means a public or private organization, operating in the District of Columbia, which contracts with the District government to provide comprehensive health maintenance, preventive and treatment services emphasizing access to primary care for enrolled members of the plan through its own network of physicians and hospitals for a fixed prepaid premium.

(C) "Managed care provider" means either a primary care provider or a health maintenance organization.

(D) "Primary care provider" means a physician, clinic, hospital, or neighborhood health center that is responsible for providing primary care and coordinating referrals, when necessary, to other health care providers.

(E) "Restricted recipient" means a person who has been restricted to one designated primary care provider for a minimum of one year after a finding of abuse or misuse of Medicaid services by the Commission on Health Care Financing.

(2) The Mayor shall establish a plan to mandate enrollment of TANF and TANF-related Medicaid recipients in a managed care program for the purpose of providing access to comprehensive and coordinated health care in an efficient and cost effective manner. The plan shall provide the following:

(A) TANF and TANF-related Medicaid recipients shall select any health maintenance organization with a current contract with the District of Columbia to provide managed care services to TANF and TANF-related Medicaid recipients on a capitated method of payment;

(B) The Mayor shall exclude TANF and TANF-related Medicaid recipients from the managed care program who are:

(i) Residents in a nursing facility or intermediate care facility for persons with intellectual or developmental disabilities;

(ii) Repealed.

(iii) Eligible for Medicaid for a period that is less than 3 months;

(iv) Eligible for a period that is retroactive;

(v) Foster children residing outside the District of Columbia; or

(vi) Restricted recipients.

(C) The Mayor shall assign any TANF and TANF-related Medicaid recipient who does not choose a provider within a reasonable time to a health maintenance organization described in subparagraph (A) of this paragraph.

(D) Repealed.

(E) TANF and TANF-related Medicaid recipients enrolled in a managed care program shall be exempted from any additional co-payment requirements other than those imposed by the Medicaid program.

(F) The Mayor shall develop an education program to fully inform TANF and TANF-related Medicaid recipients about the various managed care programs to ensure better care for recipients while avoiding unnecessary and inappropriate use of hospital based services for preventive and primary care.

(3) In order to participate in the managed care plan, a provider must:

(A) Be a Medicaid qualified provider and be accessible to enrollees on a 24 hours per day, 7 days per week basis. The Mayor shall establish a monitoring system to ensure that recipients have 24 hours per day, 7 days per week access to their managed care providers and that treatment is provided in a timely manner; and

(B) Have a written contract with the District government which provides detailed information regarding the responsibilities of the managed care provider and the District government for providing or arranging for the provision of, and making payment for all services to which the TANF and

TANF-related Medicaid recipient is entitled under the District state Medicaid plan.

(4) The Mayor shall maintain a grievance and appeal process for TANF and TANF-related Medicaid recipients enrolled in a managed care program.

(5) The Mayor shall require that managed care providers, which receive a capitated method of payment, submit adequate assurances to protect the District government against risk in case a provider becomes insolvent.

(6) To implement the requirements of this subsection the Mayor shall:

(A) Amend the District state Medicaid plan pursuant to § 4-204.05; and

(B) Seek and obtain all necessary waivers of federal Medicaid statutes, rules and regulations.

(7) The Mayor shall submit to the Council on an annual basis an assessment of the cost effectiveness of the managed care plan and its impact on the TANF and TANF-related Medicaid recipient's access to care of adequate quality.

(Dec. 27, 1967, 81 Stat. 744, Pub. L. 90-227, § 1; May 15, 1990, D.C. Law 8-124, § 2, 37 DCR 2087; Mar. 17, 1993, D.C. Law 9-247, § 2, 40 DCR 1150; Nov. 25, 1993, D.C. Law 10-65, § 101, 40 DCR 7351; Sept. 26, 1995, D.C. Law 11-52, § 501, 42 DCR 3684; Mar. 26, 1999, D.C. Law 12-175, § 102, 45 DCR 7193; Oct. 20, 1999, D.C. Law 13-38, § 2205, 46 DCR 6373; Apr. 24, 2007, D.C. Law 16-305, § 2, 53 DCR 6198; Mar. 3, 2010, D.C. Law 18-111, § 5031, 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 5002, 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, § 5042, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 5152, 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-169, § 2, 59 DCR 5567.)

Section references. — This section is referenced in § 4-204.12, § 4-204.52, § 4-204.61, § 4-801, § 7-761.02, § 7-1131.02, § 7-1811.03, § 44-631, § 47-1261, and § 47-1270.

Editor's notes.

This section is set out above to correct the language in (d)(2)(C).

PART D-i.

MEDICAL LIABILITY CAPTIVE INSURANCE AGENCY.

§ 1-307.81. Definitions.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(a) of the Captive Earthquake Property Insurance Temporary Amendment Act of 2013 (D.C. Law 20-9, June 22, 2013, 60 DCR 6407, 20 DCSTAT 1277).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(a)

of the Captive Earthquake Property Insurance Emergency Act of 2013 (D.C. Act 20-39, March 20, 2013, 60 DCR 4663, 20 DCSTAT 523).

For temporary (90 days) amendment of this section, see § 2(a) of the Captive Earthquake Property Insurance Congressional Review Emergency Act of 2013 (D.C. Act 20-85, June 19, 2013, 60 DCR 9536, 20 DCSTAT 1441).

§ 1-307.82. Establishment of the District of Columbia Medical Liability Captive Insurance Agency.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(b) of the Captive Earthquake Property Insurance Temporary Amendment Act of 2013 (D.C. Law 20-9, June 22, 2013, 60 DCR 6407, 20 DCSTAT 1277).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(b)

of the Captive Earthquake Property Insurance Emergency Act of 2013 (D.C. Act 20-39, March 20, 2013, 60 DCR 4663, 20 DCSTAT 523).

For temporary (90 days) amendment of this section, see § 2(b) of the Captive Earthquake Property Insurance Congressional Review Emergency Act of 2013 (D.C. Act 20-85, June 19, 2013, 60 DCR 9536, 20 DCSTAT 1441).

§ 1-307.83. Authority of the Agency.

Section references. — This section is referenced in § 1-307.91.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(c) of the Captive Earthquake Property Insurance Temporary Amendment Act of 2013 (D.C. Law 20-9, June 22, 2013, 60 DCR 6407, 20 DCSTAT 1277).

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 2(c) of the Captive Earthquake Property Insurance Emergency Act of 2013 (D.C. Act 20-39, March 20, 2013, 60 DCR 4663, 20 DCSTAT 523).

For temporary (90 days) amendment of this section, see § 2(c) of the Captive Earthquake Property Insurance Congressional Review Emergency Act of 2013 (D.C. Act 20-85, June 19, 2013, 60 DCR 9536, 20 DCSTAT 1441).

§ 1-307.87. Plan of operation for the Agency.

Section references. — This section is referenced in § 1-307.83 and § 1-307.86.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(d) of the Captive Earthquake Property Insurance Temporary Amendment Act of 2013 (D.C. Law 20-9, June 22, 2013, 60 DCR 6407, 20 DCSTAT 1277).

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 2(d) of the Captive Earthquake Property Insurance Emergency Act of 2013 (D.C. Act 20-39, March 20, 2013, 60 DCR 4663, 20 DCSTAT 523).

For temporary (90 days) amendment of this section, see § 2(d) of the Captive Earthquake Property Insurance Congressional Review Emergency Act of 2013 (D.C. Act 20-85, June 19, 2013, 60 DCR 9536, 20 DCSTAT 1441).

§ 1-307.90. Coverage.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(e) of the Captive Earthquake Property Insurance Temporary Amendment Act of 2013 (D.C. Law 20-9, June 22, 2013, 60 DCR 6407, 20 DCSTAT 1277).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(e)

of the Captive Earthquake Property Insurance Emergency Act of 2013 (D.C. Act 20-39, March 20, 2013, 60 DCR 4663, 20 DCSTAT 523).

For temporary (90 days) amendment of this section, see § 2(e) of the Captive Earthquake Property Insurance Congressional Review Emergency Act of 2013 (D.C. Act 20-85, June 19, 2013, 60 DCR 9536, 20 DCSTAT 1441).

§ 1-307.91. Establishment of the Medical Liability Captive Trust Fund.

Section references. — This section is referenced in § 1-307.81 and § 44-633.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(f) of the Captive Earthquake Property Insurance

Temporary Amendment Act of 2013 (D.C. Law 20-9, June 22, 2013, 60 DCR 6407, 20 DCSTAT 1277).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(f)

of the Captive Earthquake Property Insurance Emergency Act of 2013 (D.C. Act 20-39, March 20, 2013, 60 DCR 4663, 20 DCSTAT 523).
For temporary (90 days) amendment of this

section, see § 2(f) of the Captive Earthquake Property Insurance Congressional Review Emergency Act of 2013 (D.C. Act 20-85, June 19, 2013, 60 DCR 9536, 20 DCSTAT 1441).

Subchapter XI. Special Funds.

PART T.

STREETSCAPE LOAN RELIEF FUND.

§ 1-325.191. Streetscape Loan Relief Fund.

Emergency legislation.

For temporary (90 days) streetscape reconstruction, see § 2 of the Streetscape Recon-

struction Congressional Review Emergency of 2013 (D.C. Act 20-23, March 7, 2013, 60 DCR 3982, 20 DCSTAT 481).

Subchapter XII-A. Grant Administration.

§ 1-328.03. Voting rights and statehood grants.

Emergency legislation.

For temporary (90 days) workforce job development grant-making, see § 2 of the Workforce Job Development Grant-Making Authority Congressional Review Emergency Act of 2013 (D.C. Act 20-9, February 20, 2013, 60 DCR 3954, 20 DCSTAT 460).

For temporary (90 days) workforce job development grant-making, see § 2 of the Workforce Job Development Grant-Making Authority Second Congressional Review Emergency Act of 2013 (D.C. Act 20-55, April 22, 2013, 60 DCR 6390, 20 DCSTAT 1403).

§ 1-328.04. Deputy Mayor for Planning and Economic Development grant-making authority.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Deputy Mayor Planning and Economic Development Limited Grant-Making Authority Temporary Amendment Act of 2013 (D.C. Law 20-12, July 13, 2013, 60 DCR 7238, 20 DCSTAT 1759).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Deputy Mayor Planning and Economic De-

velopment Limited Grant-Making Authority Emergency Act of 2013 (D.C. Act 20-48, April 12, 2013, 60 DCR 5770, 20 DCSTAT 1354).

For temporary (90 days) amendment of this section, see § 2 of the Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Congressional Review Emergency Act of 2013 (D.C. Act 20-132, July 30, 2013, 60 DCR 11529, 20 DCSTAT 1971).

§ 1-328.05. Workforce job development grant-making authority.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2 of the Workforce Job Development Grant-Making Au-

thority Second Congressional Review Emergency Act of 2013 (D.C. Act 20-55, April 22, 2013, 60 DCR 6390, 20 DCSTAT 1403).

*Subchapter XVII. Delinquent Debt Recovery.***§ 1-350.05. Lien for delinquent debt.**

Temporary legislation. — For temporary (225 days) addition of provisions requiring the Office of the Chief Financial Officer to review all residential real property tax liens sold between September 1, 2003, and September 1, 2013, see § 2 of the Tax Lien Compensation and Relief Reporting Temporary Act of 2013 (D.C. Law 20-54, December 13, 2013, 60 DCR 15161).

Emergency legislation. — For temporary (90 days) addition of provisions requiring the Office of the Chief Financial Officer to review all residential real property tax liens sold between September 1, 2003, and September 1, 2013, see § 2 of the Tax Lien Compensation and Relief Reporting Emergency Act of 2013 (D.C. Act 20-176, October 4, 2013, 60 DCR 14940).

CHAPTER 6. MERIT PERSONNEL SYSTEM.
*Subchapter I. Findings; Purpose.***§ 1-601.01. Findings.**

Section references. — This section is referenced in § 1-607.03, § 1-1001.06, § 1-1161.01, § 2-359.10, § 2-1515.08, § 2-1594,

§ 7-771.01, § 7-771.05, § 34-2202.15, § 34-2202.17, and § 44-951.10.

CASE NOTES**Exclusivity of remedy.**

Under the Comprehensive Merit Personnel Act, D.C. Code § 1-601.01 et seq., such common law claims as wrongful discharge are preempted. The force of preemption is particularly strong here because the Council squarely addressed the issue itself, articulating an express

public policy in favor of government employee whistleblowing and creating a specific, statutory cause of action to enforce it. *McCormick v. District of Columbia*, 899 F. Supp. 2d 59, 2012 U.S. Dist. LEXIS 151512 (D.D.C. Oct. 22, 2012).

*Subchapter II. Coverage; Status of Present Employees; Retention of Existing Personnel Rights and Benefits.***§ 1-602.01. Coverage; exceptions.****CASE NOTES****Labor agreement.**

Trial court did not err in concluding that a former correctional officer's claim that the District of Columbia Department of Corrections disregarded the procedures that had to be followed under the labor agreement was barred by the Comprehensive Merit Personnel Act, D.C. Code § 1-601.01 et seq., because the officer's

argument that her claim was not just a personnel grievance but one of disability-based discrimination under the District of Columbia Human Rights Act, D.C. Code § 2-1401 et seq., added nothing, given the rejection of that claim as a matter of law. *Hunt v. D.C.*, 66 A.3d 987, 2013 D.C. App. LEXIS 246 (2013).

Subchapter IV. Organization for Personnel Management.

§ 1-604.06. Personnel authority.

Section references. — This section is referenced in § 1-606.11, § 1-609.05, and § 50-305.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(a) of the State Board of Education Personnel Authority Amendment of this section Emergency Act of 2013 (D.C. Act 20-46, March 27, 2013, 60 DCR 5453, 20 DCSTAT 545).

Subchapter VI. Office of Employee Appeals.

§ 1-606.03. Appeal procedures.

Section references. — This section is referenced in § 1-606.11 and § 1-616.52.

CASE NOTES

Due process of law.

Evidence was sufficient to raise a triable issue of whether plaintiff had a liberty interest in future employment that could not be taken without an opportunity to be heard; still, he had to show that this deprivation occurred without due process. The Comprehensive Merit Personnel Act, D.C. Code § 1-601.01 et seq., provided adequate relief because it permitted him to challenge allegations against him and clear his name. *McCormick v. District of Co-*

lumbia, 899 F. Supp. 2d 59, 2012 U.S. Dist. LEXIS 151512 (D.D.C. Oct. 22, 2012).

Comprehensive Merit Personnel Act, D.C. Code § 1-601.01 et seq., satisfies the Due Process requirements of a name-clearing hearing for a plaintiff deprived of a constitutionally protected liberty interest in professional employment in a chosen field. *McCormick v. District of Columbia*, 899 F. Supp. 2d 59, 2012 U.S. Dist. LEXIS 151512 (D.D.C. Oct. 22, 2012).

Subchapter IX. Excepted Service.

§ 1-609.03. Number of Excepted Service employees; redelegation of authority to appoint; publication requirement.

Section references. — This section is referenced in § 1-604.06, § 1-608.01a, § 1-609.02, § 1-609.58, § 1-611.11, and § 1-1161.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(b) of the State Board of Education Personnel Authority Amendment of this section Emergency Act of 2013 (D.C. Act 20-46, March 27, 2013, 60 DCR 5453, 20 DCSTAT 545).

Subchapter X-A. Executive Service.

§ 1-610.52. Executive Service pay schedule.

Section references. — This section is referenced in § 1-301.85, § 5-105.01, § 5-402, § 5-541.01, and § 5-544.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 501 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

*Subchapter XI. Classification; Compensation.***§ 1-611.01. Classification policy; grade levels; publication required; public hearing.**

Emergency legislation. — For temporary (90 days) response by the government of the District of Columbia's to the federal shutdown, or lapse in appropriations, by designating personnel as essential, authorizing the District to employ personal services, and providing for the compensation of personnel, see §§ 2 to 6 of the

Federal Shutdown Response Emergency Act of 2013 (D.C. Act 20-182, October 4, 2013, 60 DCR 14955).

Section references. — This section is referenced in § 1-611.02, § 1-611.11, § 1-1161.01, § 1-1163.02, § 42-3502.03b, and § 42-3502.04a.

§ 1-611.09. Compensation — Mayor and members of Council.

Section references. — This section is referenced in § 1-123, § 1-602.02, § 1-611.53, § 1-636.02, and § 3-1303.

Temporary Amendment of Section.

For temporary (225 days) addition of D.C. Law 2-139, § 1109a, see §§ 3 and 4 of the Chief Financial Officer Compensation Temporary Amendment Act of 2013 (D.C. Law 20-44, October 24, 2013, 60 DCR 14957).

Emergency legislation.

For temporary (90 days) amendment of this section, see §§ 3 and 5 of the Chief Financial Officer Compensation Emergency Act of 2013 (D.C. Act 20-140, July 31, 2013, 60 DCR 11792, 20 DCSTAT 1984).

*Subchapter XV-A. Whistleblower Protection.***§ 1-615.52. Definitions.**

Section references. — This section is referenced in § 1-615.58.

CASE NOTES**ANALYSIS****Causation.**

Protected disclosure.

Causation.

Appellant former employee's District of Columbia Whistleblower Protection Act, D.C. Code §§ 1-615.52(a)(6), 1-615.53 (2001), claim against defendant former employer District of Columbia failed because the approximate 8-month gap between the protected activity and the alleged retaliation, alone, was insufficient to show causation. *Payne v. D.C. Gov't*, 722 F.3d 345, 2013 U.S. App. LEXIS 11478 (D.C. Cir. 2013).

Protected disclosure.

Police officer's referral of a barricade situation to a union safety committee was not a protected disclosure under D.C. Code § 1-615.52(a)(6) because a disclosure to a union official was not a protected disclosure and the

safety committee was not an individual employed by the District of Columbia. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

Police officer's testimony before an arbitrator was not a protected disclosure under D.C. Code § 1-615.52(a)(6) because, although the officer's testimony offered new legal analysis of facts well-established in a public debate, the officer did not offer any new information evidencing a violation of local law. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

Police officer's email to his supervisors regarding their handling of a barricade situation was not a protected disclosure under D.C. Code § 1-615.52(a)(6) because the officer did not disclose more than a minimal violation of local law. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

Police officer's statements to an internal af-

fairs investigator did not constitute a protected disclosure under D.C. Code § 1-615.52(a)(6) because the officer did not disclose any information regarding safety concerns that the investi-

gator was not already aware of before his interviews with the officer. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

§ 1-615.53. Prohibitions.

Section references. — This section is referenced in § 1-615.54 and § 1-615.55.

CASE NOTES

ANALYSIS

Causation.

Protected disclosures.

Causation.

Appellant former employee's District of Columbia Whistleblower Protection Act, D.C. Code §§ 1-615.52(a)(6), 1-615.53 (2001), claim against defendant former employer District of Columbia failed because the approximate 8-month gap between the protected activity and the alleged retaliation, alone, was insufficient to show causation. *Payne v. D.C. Gov't*, 722 F.3d 345, 2013 U.S. App. LEXIS 11478 (D.C. Cir. 2013).

Protected disclosures.

Police officer's referral of a barricade situation to a union safety committee was not a protected disclosure under D.C. Code § 1-615.52(a)(6) because a disclosure to a union official was not a protected disclosure and the safety committee was not an individual employed by the District of Columbia. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

Police officer's testimony before an arbitrator was not a protected disclosure under D.C. Code § 1-615.52(a)(6) because, although the officer's testimony offered new legal analysis of facts well-established in a public debate, the officer did not offer any new information evidencing a violation of local law. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

Police officer's email to his supervisors regarding their handling of a barricade situation was not a protected disclosure under D.C. Code § 1-615.52(a)(6) because the officer did not disclose more than a minimal violation of local law. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

Police officer's statements to an internal affairs investigator did not constitute a protected disclosure under D.C. Code § 1-615.52(a)(6) because the officer did not disclose any information regarding safety concerns that the investigator was not already aware of before his interviews with the officer. *Baumann v. District of Columbia*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 43317 (D.D.C. Mar. 27, 2013).

§ 1-615.54. Enforcement.

Section references. — This section is referenced in § 1-615.56.

CASE NOTES

ANALYSIS

Parties.

Presumptions and burden of proof.

Parties.

Section 1-615.54(a) (2001) did not provide appellant former employee with a cause of action against defendant supervisors, and, an amended version, § 1-615.54(a)(1) (2010) was not in effect when the employee's suit was filed, and was in any event not retroactive because there was no express legislative language or other clear implication that retroactivity was intended, and nothing about the amendment

suggested other than the normal prospective application presumed for legislative acts; further, explicit placement of the burden on "the employing District agency" evidences that the 2001 Act did not contemplate that individual supervisors could be named as defendants. *Payne v. D.C. Gov't*, 722 F.3d 345, 2013 U.S. App. LEXIS 11478 (D.C. Cir. 2013).

Presumptions and burden of proof.

Court doubted but nonetheless assumed that plaintiff made a *prima facie* case that his termination was in retaliation for protected disclosures; yet, he had not shown that his termina-

tion would not have occurred “for an unrelated, legitimate reason.” The record showed that the Department of Corrections terminated him because Internal Affairs found that he struck a

restrained inmate, and on this point, he offered no evidence to the contrary. *McCormick v. District of Columbia*, 899 F. Supp. 2d 59, 2012 U.S. Dist. LEXIS 151512 (D.D.C. Oct. 22, 2012).

Subchapter XX-B. Mandatory Drug and Alcohol Testing of Certain Employees of the Department of Human Services and the Commission on Mental Health Services.

§ 1-620.24. Implied consent of employees who operate motor vehicles.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 304(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 304(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Subchapter XX-C. Mandatory Drug and Alcohol Testing for Certain Employees Who Serve Children.

§ 1-620.33. Motor vehicle operators.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 304(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 304(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Subchapter XX-D. Criminal History Inquiries.

§ 1-620.44. Implementation for public employers.

Emergency legislation.

For temporary (90 days) addition of subchapter XX-E, see § 2(a) of the Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-36, March 19, 2013, 60 DCR 4648, 20 DCSTAT 510).

For temporary (90 days) addition of subchapter XX-F, see § 2(b) of the Controlled Substance, Alcohol Testing, Criminal Background Check and Background Investigation Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-36, March 19, 2013, 60 DCR 4648, 20 DCSTAT 510).

Subchapter XXIV. Reductions-in-Force.

§ 1-624.04. Appeals.

CASE NOTES

ANALYSIS

Exhaustion of remedies.
Proper forum.

Exhaustion of remedies.

Court did not find that plaintiffs' case was an exceptional circumstance that justified obviating the requirement of exhausting administrative remedies; the court did not find that the possibility of delay alone indicated futility that warranted streamlining the process, and if the Office of Employee Appeals could not fashion a proper remedy, it would notify the court. AFGE, Local 2741 v. D.C., — WLR —, 2011 D.C. Super. LEXIS 16 (June 23, 2011).

Proper forum.

Court agreed that the proper forum for plaintiffs to challenge the reduction in force was the Office of Employee Appeals, for purposes of

D.C. Code § 1-624.04, and not the court; the court found that the heart of plaintiffs' complaint was this reduction in force complaint, and thus plaintiffs had to go through the proper administrative channels without the court's intervention, and those plaintiffs who already initiated the administrative process could not simultaneously seek relief through the court, and those who had not filed claims had effectively abandoned such by failing to exhaust their administrative remedies. AFGE, Local 2741 v. D.C., — WLR —, 2011 D.C. Super. LEXIS 16 (June 23, 2011).

Court lacked jurisdiction to hear plaintiffs' case, and thus the court would not address plaintiffs' counts, as any such allegations would be addressed via the Office of Employee Appeals (OEA) process, as the OEA was the proper forum. AFGE, Local 2741 v. D.C., — WLR —, 2011 D.C. Super. LEXIS 16 (June 23, 2011).

Subchapter XXV. Political Rights of Employees.

§ 1-625.01. Hatch Act retention.

Section references. — This section is referenced in § 1-636.02.

Temporary legislation. — For temporary (225 days) amendment of D.C. Law 18-335, § 8, see § 2(h) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of D.C. Law 18-335, § 8, see § 2(h) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

CHAPTER 9. POLICE OFFICERS, FIRE FIGHTERS, AND TEACHERS
RETIREMENT BENEFIT REPLACEMENT PLAN.

Subchapter III. Establishment of Replacement Retirement and Disability Benefits Plans.

§ 1-905.03. Tax treatment of plan.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(a) of the Police, Fire Fighters, Teachers Retirement Benefit Replacement Act

of 1998 Congressional Review Emergency Act of 2013 (D.C. Act 20-35, March 19, 2013, 60 DCR 4646, 20 DCSTAT 508).

*Subchapter VI. Miscellaneous.***§ 1-911.03. Alienation of benefits.****Emergency legislation.**

For temporary (90 days) amendment of this section, see § 2(b) of the Police, Fire Fighters, Teachers Retirement Benefit Replacement Act

of 1998 Congressional Review Emergency Act of 2013 (D.C. Act 20-35, March 19, 2013, 60 DCR 4646, 20 DCSTAT 508).

CHAPTER 10. ELECTIONS.*Subchapter I. Regulation of Elections*

Sec.

Sec.

1-1001.02. Definitions.

1-1001.08. Qualifications of candidates and electors; nomination and election of Delegate, Chairman of the Council, members of Council, Mayor, Attorney General, and members of Board of Education; petition requirements; arrangement of ballot.

1-1001.10. Dates for holding elections; votes cast for President and Vice Presi-

dent counted as votes for presidential electors; voting hours; tie votes; filling vacancy where elected official dies, resigns, or becomes unable to serve.

1-1001.11. Recount; judicial review of election.

1-1001.15. Candidacy for more than 1 office prohibited; multiple nominations; candidacy of officeholder for another office restricted.

1-1001.16. Initiative and referendum process.

1-1001.17. Recall process.

*Subchapter I. Regulation of Elections.***§ 1-1001.02. Definitions.**

For the purposes of this subchapter:

(1) The term "District" means the District of Columbia.

(2) The term "qualified elector" means a person who:

(A) Is at least 17 years of age and who will be 18 years of age on or before the next general election;

(B) Is a citizen of the United States;

(C) Has maintained a residence in the District for at least 30 days preceding the next election and does not claim voting residence or right to vote in any state or territory;

(D) Is not incarcerated for a crime that is a felony in the District; and

(E) Has not been found by a court of law to be legally incompetent to vote.

(3) The term "Board" means the District of Columbia Board of Elections provided for by § 1-1001.03.

(4) The term "ward" means an election ward established by the Council.

(5) The term "Board of Education" means the Board of Education of the District.

(6) The term "Delegate" means the Delegate to the House of Representatives from the District of Columbia.

(7) The term "felony" includes any crime committed in the District of Columbia referred to in §§ 1-1001.14, 1-1162.32, and 1-1163.35.

(8) The term “Council” or “Council of the District of Columbia” means the Council of the District of Columbia established pursuant to the District of Columbia Home Rule Act [§ 1-201.01 et seq.].

(9) The term “Mayor” means the Office of Mayor of the District of Columbia established pursuant to the District of Columbia Home Rule Act [§ 1-202.01 et seq.].

(9A) The term “Attorney General” or “Attorney General for the District of Columbia” means the Attorney General for the District of Columbia provided for by part D-i of subchapter I of Chapter 3 [§ 1-301.81 et seq.] and § 1-204.35.

(10) The term “initiative” means the process by which the electors of the District of Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval.

(11) The term “referendum” means the process by which the registered qualified electors of the District of Columbia may suspend acts, or some part or parts of acts, of the Council of the District of Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operating budget) until such acts or part or parts of acts have been presented to the registered qualified electors of the District of Columbia for their approval or rejection.

(12) The term “recall” means the process by which the registered qualified electors of the District of Columbia may call for the holding of an election to remove or retain an elected official of the District of Columbia (except the Delegate to Congress for the District of Columbia) prior to the expiration of his or her term.

(13) The term “elected official” means the Mayor, the Chairman and members of the Council, the Attorney General, the President and members of the Board of Education, the Delegate to Congress for the District of Columbia, United States Senator and Representative, and advisory neighborhood commissioners of the District of Columbia.

(14) The term “printed” shall include any document produced by letterpress, offset press, photo reproduction, multilith, or other mass reproduction means.

(15) The term “proposer” means one or more of the registered qualified electors of the District of Columbia, including any entity, the primary purpose of which is the success or defeat of a political party or principle, or any question submitted to vote at a public election by means of an initiative, referendum or recall as authorized in amendments numbered 1 and 2 to Title IV of the Home Rule Act (§§ 1-204.101 to 1-204.115). Such entities shall be treated as a political committee as defined in § 1-1161.01(44) for purposes of this subchapter.

(16)(A) The term “residence,” for purposes of voting, means the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which the person’s habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence.

(B) In determining what is a principal or primary place of abode of a person the following circumstances relating to the person may be taken into account:

- (i) Business pursuits;
- (ii) Employment;
- (iii) Income sources;
- (iv) Residence for income or other tax purposes;
- (v) Residence of parents, spouse, and children;
- (vi) Leaseholds;
- (vii) Situs of personal and real property; and
- (viii) Motor vehicle registration.

(C) A qualified elector who has left his or her home and gone into another state or territory for a temporary purpose only shall not be considered to have lost his or her residence in the District.

(D) If a qualified elector moves to another state or territory with the intention of making it his or her permanent home, he or she shall notify the Board, in writing, and shall be considered to have lost residence in the District.

(E) No person shall be deemed to have gained or lost a residence by reason of absence while employed in the service of the District or the United States governments, while a student at any institution of learning, while kept at any institution at public expense, or while absent from the District with the intent to have the District remain his or her residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, he or she shall not register to vote in any other state or territory during his or her absence.

(17) The term "voter registration agency" means an office designated under § 1-1001.07(d)(1) and the National Voter Registration Act of 1993 to perform voter registration activities.

(18) The term "application distribution agency" means an agency designated under § 1-1001.07(d)(14) in whose office or offices mail voter registration applications are made available for general distribution to the public.

(19) The term "duly registered voter" means a registered voter who resides at the address listed on the Board's records.

(20) The term "registered qualified elector" means a registered voter who resides at the address listed on the Board's records.

(21) The term "qualified registered elector" means a registered voter who resides at the address listed on the Board's records.

(22) The term "voting system" means:

(A) The combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment used to:

- (i) Define ballots;
- (ii) Cast and count votes;
- (iii) Report or display elections results; and
- (iv) Maintain and produce a permanent record; and

(B) The practices and documentation used to:

- (i) Identify system components and versions of components;

- (ii) Test the system during its development and maintenance;
- (iii) Maintain records of system errors and defects;
- (iv) Determine necessary system changes after the initial qualification of the system; and
- (v) Provide voters with notices, instructions, forms, paper ballots, or other materials.

(23) The term "Help America Vote Act of 2002" means the Help America Vote Act of 2002, approved October 29, 2002 (116 Stat. 1666; 42 U.S.C. § 15301 et seq.).

(24) The term "gender identity or expression" shall have the same meaning as provided in § 2-1401.02(12A).

(25) "Election observers" means persons who witness the administration of elections, including individuals representing nonpartisan domestic and international organizations, including voting rights organizations, civil rights organizations, and civic organizations.

(26) "Qualified petition circulator" means an individual who is 18 years of age or older and either:

(A) A District resident; or

(B) A resident of another jurisdiction who has registered with the Board as a petition circulator and consented to being subject to the subpoena power of the Board and the jurisdiction of the Superior Court of the District of Columbia for the enforcement of subpoenas without respect to the individual's place of residence.

(Aug. 12, 1955, 69 Stat. 699, ch. 862, § 2; Oct. 4, 1961, 75 Stat. 820, Pub. L. 87-389, § 1(26); Apr. 22, 1968, 82 Stat. 103, Pub. L. 90-292, § 4(2); Sept. 22, 1970, 84 Stat. 849, Pub. L. 91-405, title II, §§ 203(a), 205(a); Dec. 23, 1971, 85 Stat. 788, Pub. L. 92-220, § 1(2)-(4); Aug. 14, 1973, 87 Stat. 311, Pub. L. 93-92, § 1(1); Dec. 24, 1973, 87 Stat. 832, Pub. L. 93-198, title VII, § 751(2); Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Sept. 2, 1976, D.C. Law 1-79, title I, § 102(1), title VI, § 602, 23 DCR 2050; Apr. 23, 1977, D.C. Law 1-126, title III, § 301(a), (b), 24 DCR 2372; June 7, 1979, D.C. Law 3-1, § 2(a), 25 DCR 9454; Mar. 16, 1982, D.C. Law 4-88, § 2(b), 29 DCR 458; Aug. 2, 1983, D.C. Law 5-17, § 5(a), 30 DCR 3196; Sept. 22, 1994, D.C. Law 10-173, § 2(a), 41 DCR 5154; July 25, 1995, D.C. Law 11-30, § 2(a), 42 DCR 1547; Apr. 12, 2000, D.C. Law 13-91, § 123(a), 47 DCR 520; Dec. 7, 2004, D.C. Law 15-218, § 2(a), 51 DCR 9132; June 25, 2008, D.C. Law 17-177, § 4(a), 55 DCR 3696; Feb. 4, 2010, D.C. Law 18-103, § 2(a), 56 DCR 9169; May 27, 2010, D.C. Law 18-160, § 131(b), 57 DCR 3012; Apr. 27, 2012, D.C. Law 19-124, § 501(g)(1), 59 DCR 1862; Oct. 17, 2013, D.C. Law 20-31, § 2(a), 60 DCR 11535.)

Section references. — This section is referenced in § 1-301.83, § 1-309.09, § 1-401, § 1-1001.07, and § 38-2651.

Effect of amendments.

The 2013 amendment by D.C. Law 20-31 added (26).

Legislative history of Law 20-31. — Law

20-31, the "Board of Elections Petition Circulation Requirements Amendment Act of 2013," was introduced in Council and assigned Bill No. 20-245. The Bill was adopted on first and second readings on June 26, 2013, and July 10, 2013, respectively. Signed by the Mayor on July 30, 2013, it was assigned Act No. 20-134 and

transmitted to Congress for its review. D.C. Law 20-31 became effective on October 17, 2013.

§ 1-1001.08. Qualifications of candidates and electors; nomination and election of Delegate, Chairman of the Council, members of Council, Mayor, Attorney General, and members of Board of Education; petition requirements; arrangement of ballot.

(a)(1) Each candidate for election to the office of national committeeman or alternate, or national committeewoman or alternate, and for election as a member or official designated for election at large under paragraph (4) of § 1-1001.01, shall be a qualified elector registered under § 1-1001.07 who has been nominated for such office, or for election as such member or official, by a nominating petition:

(A) Signed by not less than 500, or 1%, whichever is less, of the qualified electors registered under such § 1-1001.07, who are of the same political party as the candidate; and

(B) Filed with the Board not later than the 90th day before the date of the election held for such office, member, or official.

(2) In the case of a nominating petition for a candidate for election as a member or official designated for election from a ward under paragraph (4) of § 1-1001.01, such petition shall be prepared and filed in the same manner as a petition prepared and filed by a candidate under paragraph (1) of this subsection and signed by 100, or 1%, whichever is less, of the qualified electors residing in such ward, registered under § 1-1001.07, who are of the same political party as the candidate.

(b)(1)(A) No person shall hold elected office pursuant to this section unless he or she has been a bona fide resident of the District of Columbia continuously since the beginning of the 90-day period ending on the date of the next election, and is a qualified elector registered under § 1-1001.07.

(B) Repealed.

(C) Repealed.

(D) Any candidate for the position of Attorney General shall also meet the qualifications required by § 1-301.83 before the day on which the election for Attorney General is to be held.

(2) Only qualified petition circulators may circulate nominating petitions in support of candidates for elected office pursuant to this subchapter. The Board shall consider invalid the signatures on any petition sheet that was circulated by a person who, at the time of circulation, was not a qualified petition circulator.

(3) All signatures on a petition shall be made by the person whose signature it purports to be and not by any other person. Each petition shall contain an affidavit, made under penalty of perjury, in a form to be determined by the Board and signed by the circulator of that petition which shall state that the circulator is a registered voter and has:

- (A) Personally circulated the petition;
- (B) Personally witnessed each person sign the petition; and
- (C) Inquired from each signer whether he or she is a registered voter in the same party as the candidate and, where applicable, whether the signer is registered in and a resident of the ward from which the candidate seeks election.

(4) Any circulator who knowingly and willfully violates any provisions of this section, or any regulations promulgated pursuant to this section, shall upon conviction be subject to a fine of not more than \$10,000, or imprisonment for not more than 6 months, or both. Each occurrence of a violation of this section shall constitute a separate offense. Violations of this section shall be prosecuted in the name of the District of Columbia by the Corporation Counsel of the District of Columbia.

(c)(1) In such election of officials referred to in paragraph (1) of § 1-1001.01, and in each election of officials designated for election at large pursuant to paragraph (4) of § 1-1001.01, the Board shall arrange the ballot of each party to enable the registered voters of such party to vote separately or by slate for each official duly qualified and nominated for election to such office.

(2) In each election of officials designated, pursuant to paragraph (4) of § 1-1001.01, for election from a ward, the Board shall arrange the ballot of each party to enable the registered voters of such party, residing in such ward, to vote separately or by slate for each official duly qualified and nominated from such ward for election to such office from such ward.

(d) Each political party which had in the next preceding election year at least 7,500 votes cast in the general election for a candidate of the party to the office of Delegate, Chairman of the Council, member of the Council, Mayor, or Attorney General, shall be entitled to elect candidates for presidential electors, provided that the party has met all deadlines set out in this subchapter or by regulation for the submission of a party plan for the election. The executive committee of the organization recognized by the national committee of each such party as the official organization of that party in the District of Columbia shall nominate by appropriate means the presidential electors for that party. Nominations shall be made by message to the Board on or before September 1st next preceding a presidential election.

(e) The names of the candidates of each political party for President and Vice President shall be placed on the ballot under the title and device, if any, of that party as designated by the duly authorized committee of the organization recognized by the national committee of that party as the official organization of that party in the District. The form of the ballot shall be determined by that Board. The position on the ballot of names of candidates for President and Vice President shall be determined by lot. The names of persons nominated as candidates for electors of President and Vice President shall not appear on the ballot.

(f) A political party which does not qualify under subsection (d) of this section may have the names of its candidates for President and Vice President of the United States printed on the general election ballot provided a petition nominating the appropriate number of candidates for presidential electors

signed by at least 1 per centum of registered qualified electors of the District of Columbia, as shown by the records of the Board as of the 144th day before the date of the presidential election, is presented to the Board on or before the 90th day before the date of the presidential election.

(g) No person may be elected to the office of elector of President and Vice President pursuant to this subchapter unless: (1) He or she is a registered voter in the District; and (2) He or she has been a bona fide resident of the District for a period of 3 years immediately preceding the date of the presidential election. Each person elected as elector of President and Vice President shall, in the presence of the Board, take an oath or solemnly affirm that he or she will vote for the candidates of the party he or she has been nominated to represent, and it shall be his or her duty to vote in such manner in the electoral college.

(h)(1)(A) The Delegate, Chairman of the Council, the 4 at-large members of the Council, Mayor, and Attorney General shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate, Chairman of the Council, the at-large members of the Council, Mayor, and Attorney General in any general election shall, except as otherwise provided in subsection (j) of this section and § 1-1001.10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election.

(B)(i) A member of the office of Council (other than the Chairman and any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District from which the individual seeking such office was elected as a candidate for such office as provided in sub-subparagraph (ii) of this subparagraph.

(ii) Each candidate for the office of member of the Council (other than Chairman and at-large members) shall, except as otherwise provided in subsection (j) of this section and § 1-1001.10(d), have been elected as such a candidate, by the registered qualified electors of the ward of the District from which such individual was nominated, at the next preceding primary election to fill such office within that ward.

(2) The nomination and election of any individual to the office of Delegate, Chairman of the Council, member of the Council, Mayor, and Attorney General shall be governed by the provisions of this subchapter. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least 7,500 votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

(i)(1) Each individual in a primary election for candidate for the office of Delegate, Chairman of the Council, at-large member of the Council, Mayor, or Attorney General shall be nominated for any such office by a petition:

(A) Filed with the Board not later than 90 days before the date of such primary election; and

(B) Signed by at least 2,000 registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered

members of such political party, whichever is less, as shown by the records of the Board as of the 144th day before the date of such election.

(2) Each individual in a primary election for candidate for the office of member of the Council (other than Chairman and at-large members) shall be nominated for such office by a petition filed with the Board not later than 90 days before the date of such primary election, and signed by at least 250 persons, or by 1 per centum of persons (whichever is less, in the ward from which such individual seeks election) who are duly registered in such ward under § 1-1001.07 and who are of the same political party as the nominee.

(3) For the purpose of computing nominating petition signature requirements, the Board shall by noon on the 144th day preceding the election post and make available the exact number of qualified registered electors in the District by party, ward, and precinct, as provided in this subsection. The Board shall make available for public inspection, in the office of the Board, the entire list of registered electors upon which such count was based. Such list shall be retained by the Board until the period for circulating, filing, and challenging petitions has ended.

(4) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the 144th day preceding the date of such election and may not be filed with the Board before the 115th day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

(j)(1) A duly qualified candidate for the office of Delegate, Chairman of the Council, member of the Council, Mayor, or Attorney General, may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by petition: (A) Filed with the Board not less than 90 days before the date of such general election; and (B) In the case of a person who is a candidate for the office of member of the Council (other than the Chairman or an at-large member), signed by 500 voters who are duly registered under § 1-1001.07 in the ward from which the candidate seeks election; and in the case of a person who is a candidate for the office of Delegate, Chairman of the Council, at-large member of the Council, Mayor, or Attorney General, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of 144 days before the date of such election, or by 3,000 persons duly registered under § 1-1001.07, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than 144 days before the date of such election.

(2) Nominations under this subsection for candidates for election in a general election to any office referred to in paragraph (1) of this subsection shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within 8 months before the date of such general election.

(3) No person shall be nominated directly as a candidate in any general election for the office of Delegate, Chairman of the Council, member of the

Council, Mayor, Attorney General, United States Senator, or United States Representative who is registered to vote as affiliated with a party qualified to conduct a primary election.

(k)(1) In each general election for the office of member of the Council (other than the office of the Chairman or an at-large member), the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any 1 candidate who:

(A) Has been duly elected by any political party in the next preceding primary election for such office from such ward;

(B) Has been duly nominated to fill a vacancy in such office in such ward pursuant to § 1-1001.10(d); or

(C) Has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

(2) In each general election for the office of Chairman and member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election, including the Chairman. Such candidates shall be only those persons who:

(A) Have been duly elected by any political party in the next preceding primary election for such office;

(B) Have been duly nominated to fill vacancies in such office pursuant to § 1-1001.10(d); or

(C) Have been nominated directly as a candidate under subsection (j) of this section.

(3) In each general election for the office of Delegate, Mayor, and Attorney General, the Board shall arrange the ballots to enable a registered qualified elector to vote for any 1 of the candidates for any such office who:

(A) Has been duly elected by any political party in the next preceding primary election for such office;

(B) Has been duly nominated to fill a vacancy in such office pursuant to § 1-1001.10(d), or, in the case of the Attorney General, pursuant to § 1-204.35(b); or

(C) Has been nominated directly as a candidate under subsection (j) of this section.

(l)(1) Designation of offices of local party committees to be filled by election pursuant to paragraph (4) of § 1-1001.01 shall be effected, in accordance with the provision of this subsection, by written communication signed by the chairman of such committee and filed with the Board not later than 180 days before the date of such election.

(2) The notification shall specify separately:

(A) A comprehensive plan for the scheduled election;

(B) The titles of the offices and the total number of members to be elected at large, if any;

(C) The title of the offices and the total number of members to be elected by ward, if any; and

(D) The procedures to be followed in nominating and electing these members.

(3) Repealed.

(m) The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with this subchapter.

(n) Each candidate in a general or special election for member of the Board of Education shall be nominated for such office by a nominating petition: (A) Filed with the Board not later than the 90th calendar day before the date of such general or special election; and (B) signed by at least 200 qualified electors who are duly registered under § 1-1001.07, who reside in the school district or ward from which the candidate seeks election, or in the case of a candidate running at large, signed by at least 1,000 of the qualified electors in the District of Columbia registered under such § 1-1001.07. A nominating petition for a candidate in a general or special election for member of the Board of Education may not be circulated for signatures before the 144th day preceding the date of such election and may not be filed with the Board before the 115th day preceding such date. In a general or special election for members of the Board of Education, the Board shall arrange the ballot for each school district or ward to enable a voter registered in that school district or ward to vote for any 1 candidate duly nominated to be elected to such office from such school district or ward, and to vote for as many candidates duly nominated for election at large to such office as there are Board of Education members to be elected at large in such election.

(o)(1) The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the third day after the filing deadline for nominating petitions for the office. Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition. A copy of the challenge shall be sent by the Board promptly to the person designated for the purpose in the nominating petition. In a special election to fill a vacancy in an Advisory Neighborhood Commission single-member district, the period prescribed in this paragraph for posting and challenge shall be 5 days, excluding weekends and holidays.

(2) The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged nominating petition not more than 20 days after the challenge has been filed. Within 3 days after announcement of the determination of the Board with respect to the validity of the nominating petition, either the challenger or any person named in the challenged petition as a nominee may apply to the District of Columbia Court of Appeals for a review of the reasonableness of such determination. The Court shall expedite consideration of the matter and the decision of such Court shall be final and not appealable.

(2A) Repealed.

(3) For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine if the address on the petition is the same as the address shown of the signer's voter registration record. If the

address is different than the address which appears on the signer's registration record, the address shall be deemed valid if:

(A) The signer's current address is within the single member district for an Advisory Neighborhood Commission election, within the school district for a school board election, within the ward for a ward-wide election, or within the District of Columbia for an at-large election; and

(B) The signer files a change of address form with the Board during the first 10 days of the period designated for resolving challenges to petitions.

(p) In any election, the order in which the names of the candidates for office appear on the ballot shall be determined by lot, upon a date or dates and under regulations prescribed by the Board.

(q) Any petition required to be filed under this subchapter by a particular date must be filed no later than 5:00 p.m. on such date.

(r)(1) In any primary, general, or special election held in the District of Columbia to nominate or elect candidates to public office, a voter may cast a write-in vote for a candidate other than those who have qualified to appear on the ballot.

(2) To be eligible to receive the nomination of a political party for public office, a write-in candidate shall be a duly registered member of the party nominated and shall meet all the other qualifications required for election to the office and shall declare his or her candidacy not later than 4:45 p.m. on the third day immediately following the date of the election on a form or forms prescribed by the Board.

(3) To be eligible for election to public office, a write-in candidate shall be a duly registered elector and shall meet all of the other qualifications required for election to the office and shall declare his or her candidacy not later than 4:45 p.m. on the seventh day immediately following the date of the election in which he or she was a candidate on a form or forms prescribed by the Board.

(4) In party office elections, write-in voting provisions may also be subject to the party rules.

(s) The Board shall submit to the Mayor and Council a feasibility study of mail-ballot voting procedures, within 6 months after October 21, 2000. The study shall outline the advantages and disadvantages of mail-ballot procedures and recommend whether mail-ballot procedures should be implemented in District of Columbia elections. The study shall include an analysis of the following issues and topics that the Board deems appropriate:

- (1) Administration and logistics;
- (2) Ballot integrity and electoral fairness;
- (3) Voter turnout;
- (4) Cost;
- (5) Applicability to special elections and regularly scheduled elections; and
- (6) The experiences of other jurisdictions that have used mail-ballot procedures.

(Aug. 12, 1955, 69 Stat. 701, ch. 682, § 8; Oct. 4, 1961, 75 Stat. 818, Pub. L. 87-389, § 1 (12, 13); Apr. 22, 1968, 82 Stat. 103, Pub. L. 90-292, § 4(5); Sept.

22, 1970, 84 Stat. 849, Pub. L. 91-405, title II, §§ 203(b), 205(b), (e)(2), (f); Dec. 23, 1971, 85 Stat. 203(b), 205(b), (e)(2), (f); Dec. 23, 1971, 85 Stat. 790, Pub. L. 92-220, § 1(9)-(16), (32)-(34); Aug. 14, 1973, 87 Stat. 312, Pub. L. 93-92, § 1(8)-(14); Dec. 24, 1973, 87 Stat. 833, Pub. L. 93-198, title VII, § 751(3); Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Sept. 2, 1976, D.C. Law 1-79, title I, § 102(7)-(12), 23 DCR 2050; Apr. 23, 1977, D.C. Law 1-126, title III, § 301(j), title IV, § 402, 24 DCR 2372; Mar. 16, 1982, D.C. Law 4-88, § 2(f), (o)-(s), 29 DCR 458; July 1, 1982, D.C. Law 4-120, § 2(c), 29 DCR 2064; Aug. 2, 1983, D.C. Law 5-17, § 5(d), 30 DCR 3196; Mar. 16, 1988, D.C. Law 7-92, § 3(h)-(k), 35 DCR 716; Dec. 10, 1991, D.C. Law 9-49, § 2(a), 38 DCR 6572; Mar. 11, 1992, D.C. Law 9-75, § 2(c), 39 DCR 310; Sept. 22, 1994, D.C. Law 10-173, § 2(c), 41 DCR 5154; Mar. 23, 1995, D.C. Law 10-254, § 3, 42 DCR 758; April 5, 2000, D.C. Law 13-78, § 2, 46 DCR 10440; July 18, 2000, D.C. Law 13-149, § 5(a), 47 DCR 4639; Oct. 21, 2000, D.C. Law 13-177, § 2, 47 DCR 6842; Oct. 2, 2001, D.C. Law 14-26, § 2, 48 DCR 6344; Oct. 13, 2001, D.C. Law 14-30, § 2, 48 DCR 7087; Oct. 26, 2001, D.C. Law 14-43, § 2, 48 DCR 7631; Mar. 13, 2004, D.C. Law 15-105, § 24, 51 DCR 881; Dec. 7, 2004, D.C. Law 15-211, § 3, 51 DCR 8805; June 5, 2012, D.C. Law 19-137, § 201(a)(2), 59 DCR 2542; Oct. 17, 2013, D.C. Law 20-31, § 2(b), 60 DCR 11535; Dec. 13, 2013, D.C. Law 20-60, § 301(a), 60 DCR 15487.)

Section references. — This section is referenced in § 1-1001.05, § 1-1001.07, § 1-1001.09, § 1-1001.16, § 1-1001.17, and § 16-801.

Effect of amendments.

D.C. Law 19-137, in subsec. (a)(1)(B), substituted “90th day” for “69th day”; in subsec. (f), substituted “as shown by the records of the Board as of the 144th day before the date of the presidential election, is presented to the Board on or before the 90th day before the date of the presidential election” for “as of July 1st of the year in which the election is to be held is presented to the Board on or before the third Tuesday in August preceding the date of the presidential election”; in subsecs. (i)(1)(A), (2), (j)(1)(A), substituted “90 days” for “69 days”; in subsecs. (i)(1)(B), (3), substituted “144th day” for “123rd day”; in subsec. (i)(4), substituted “144th day” preceding the date of such election and may not be filed with the Board before the 115th day”; for “123rd day preceding the date of such election and may not be filed with the Board before the 94th day”; in subsec. (j)(1)(B), substituted “144 days” for “123 days”; in subsec. (n), substituted “90th calendar day” for “69th calendar day” and substituted “144th day preceding the date of such election and may not be filed with the Board before the 115th day” for “123rd day preceding the date of such election and may not be filed with the Board before the 94th day”; and, in subsec. (o)(2), substituted “20 days” for “15 days”.

The 2013 amendment by D.C. Law 20-31 rewrote (b)(2), which read: “Only registered,

qualified electors of the District of Columbia are authorized to circulate nominating petitions of candidates for elected office pursuant to this subchapter. The Board shall consider invalid the signatures on any petition sheet which was circulated by a person who, at the time of circulation, was not a registered, qualified elector of the District of Columbia.”

The 2013 amendment by D.C. Law 20-60 rewrote the section heading; added (b)(1)(d); substituted “Delegate, Chairman of the Council, member of the Council, Mayor, or Attorney General” for “Delegate, Mayor, Chairman of the Council, or member of the Council” in (d); and rewrote (h), (i), (j), and (k)(3).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(a) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

For temporary (90 days) amendment of this section, see § 2 of the Board of Elections Nominating Petition Circulator Affidavit Emergency Amendment Act of 2013 (D.C. Act 20-209, November 7, 2013, 60 DCR 15779).

For temporary (90 days) amendment of this section, see § 2(a) of the Party Officer Elections Emergency Amendment Act of 2013 (D.C. Act 20-210, November 7, 2013, 60 DCR 15781).

Legislative history of Law 19-137. — For history of Law 19-137, see notes under § 1-309.05.

Legislative history of Law 20-31. — See note to § 1-1001.02.

Legislative history of Law 20-60. — 20-60, the “Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-134. The Bill was adopted on first and second readings on July 10, 2013 and Oct. 1, 2013, respectively. Returned without the Mayor’s signature on Oct. 22, 2013, it

was assigned Act No. 20-207 and transmitted to Congress for its review. D.C. Law 20-60 became effective on December 13, 2013.

Editor’s notes.

Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 301 of the act shall apply as of December 13, 2013.

§ 1-1001.10. Dates for holding elections; votes cast for President and Vice President counted as votes for presidential electors; voting hours; tie votes; filling vacancy where elected official dies, resigns, or becomes unable to serve.

(a)(1) The elections of the officials referred to in § 1-1001.01(1), (2), (3), or (4) shall be held, at the request of the party, on either the 2nd Tuesday in February of each presidential election year or the 1st Tuesday in April of each presidential election year if there is a primary election already scheduled for other purposes on the date requested. The primary under § 1-1001.05(b) shall be held on the 1st Tuesday in April of each presidential election year.

(2) The electors of President and Vice President of the United States shall be elected on the Tuesday next after the 1st Monday in November in every 4th year succeeding every election of a President and Vice President of the United States. Each vote cast for a candidate for President or Vice President whose name appears on the general election ballot shall be counted as a vote cast for the candidates for presidential electors of the party supporting such presidential and vice presidential candidate. Candidates receiving the highest number of votes in such election shall be declared the winners, except that in the case of a tie it shall be resolved in the same manner as is provided in subsection (c) of this section.

(3)(A) Except as otherwise provided in the case of special elections under this subchapter or § 206(a) of the District of Columbia Delegate Act, primary elections of each political party for the office of Delegate to the House of Representatives shall be held on the 1st Tuesday in April of each even-numbered year; and general elections for such office shall be held on the Tuesday next after the 1st Monday in November of each even-numbered year.

(B) Except as otherwise provided in the case of special elections under this subchapter primary elections of each political party for the office of member of the Council shall be held on the 1st Tuesday in April in 1974, and every 2nd year thereafter, and general election for such offices shall be held on the 1st Tuesday after the 1st Monday in November in 1974 and every 2nd year thereafter.

(C) Except as otherwise provided in the case of a special election under this subchapter or by § 1-204.35(b), primary elections of each political party for the office of Chairman of the Council, Mayor and Attorney General shall be held on the 1st Tuesday in April of every 4th year, commencing with calendar year 1974, and the general election for such office shall be held on the 1st Tuesday after the 1st Monday in November in 1974 and every 4th year thereafter.

(4) With respect to special elections required or authorized by this subchapter or by § 1-204.35(b), the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this subchapter.

(5) General elections of members of the Board of Education shall be held on the 1st Tuesday after the 1st Monday in November of each odd-numbered calendar year through 1987, and thereafter in each even-numbered calendar year, on the same day and month.

(b)(1) All elections prescribed by this subchapter shall be conducted by the Board in conformity with the provisions of this subchapter. In all elections held pursuant to this subchapter, the polls shall be open from 7:00 a.m. to 8:00 p.m., except in instances when the time established for closing the polls is extended pursuant to a federal or District court order or any other order. The Board may, upon request of the precinct captain or upon its own initiative, if an emergency exists by reason of mechanical failure of a voting machine, an unanticipated shortage of ballots, excessive wait times, bomb threats, or similar unforeseen event warrants it, extend the polling hours for that precinct until the emergency situation has been resolved. Candidates who receive the highest number of votes, other than candidates for election as political party officials or delegates to national conventions nominating candidates for President and Vice President of the United States, shall be declared winners. If after the date of an election and prior to the certification of the election results, the qualified candidate who has received the highest number of votes dies, withdraws, or is found to be ineligible to hold the office, or in the event no candidate qualifies for election, the Board shall declare no winner, and the office shall become vacant as of the date of the beginning of the term of office for which the election was held. With respect to a primary election, the position of candidate shall be vacant until filled pursuant to subsection (d) of this section.

(2)(A) No person shall canvass, electioneer, circulate petitions, post any campaign material or engage in any activity that interferes with the orderly conduct of the election within a polling place or within a 50-foot distance from the entrance and exit of a polling place. The Board, by regulation, shall establish procedures for determination and clear marking of the 50-foot distance.

(B) A person who violates the provisions of this paragraph shall, upon conviction, be fined not less than \$50 or more than \$500 or imprisoned for not more than 30 days, or both.

(c) In the case of a tie vote, the resolution of which will affect the outcome of any election, the candidates receiving the tie vote shall cast lots before the Board at 12:00 noon on a date to be set by the Board. This date shall be set no sooner than 2 days following determination by the Board of the results of the election which resulted in a tie. The candidate to whom the lot shall fall shall be declared the winner. If the candidate or candidates fail to appear by 12:00 noon on said day, the Board shall cast lots for him or her or them. For purpose of casting lots, any candidate may appear in person, or by proxy appointed in writing.

(d)(1) In the event that any official, other than Delegate, member of the Council, Mayor, Attorney General, member of the Board of Education, or winner of a primary election for the office of Delegate, member of the Council, Mayor, or Attorney General, elected pursuant to this subchapter dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this subchapter to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of the term shall be chosen pursuant to the rules of the duly authorized party committee, except that the successor shall have the qualifications required by this subchapter for the office.

(2)(A) In the event that a vacancy occurs in the office of Delegate before May 1 of the last year of the Delegate's term of office, the Board shall hold a special election to fill the unexpired term. The special election shall be held on the first Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next District-wide special, primary, or general election that is to occur within 60 days of the date on which the special election would otherwise have been held under the provisions of this subsection. The person elected to fill the vacancy in the office of Delegate shall take office the day on which the Board certifies his or her election.

(B) In the event that a vacancy occurs in the office of Delegate on or after May 1 of the last year of the Delegate's term of office, the Mayor shall appoint a successor to complete the remainder of the term of office.

(3) In the event of a vacancy in the office of United States Representative or United States Senator elected pursuant to § 1-123 and that vacancy cannot be filled pursuant to paragraph (1) of this subsection, the Mayor shall appoint, with the advice and consent of the Council, a successor to complete the remainder of the term of office.

(e)(1) In the event of a vacancy of an elected member of the Board of Education, the Board of Elections shall hold a special election to fill the unexpired term of the vacant office. The special election shall be held on the 1st Tuesday that occurs more than 114 days after the date on which the vacancy is certified by the Board of Elections, unless the Board determines that the vacancy could be filled more practicably in a special election held on the same day as the next special, primary, or general election that is to occur within 60 days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Board of Education shall take office the day on which the Board of Elections certifies his or her election.

(2) When the office of the President becomes vacant, the Board of Education shall select one of the members of the Board to serve as the interim President until the election of a new President.

(f) Notwithstanding the provisions of subsection (e) of this section, if a vacancy of an elected member of the Board of Education occurs on or after February 1st of the last year of the term of the vacant office, a special election shall not be held and the Board of Education may appoint a person to fill such

vacancy until the unexpired term ends. Any person appointed under this subsection shall have the same qualifications for holding such office as were required of his or her immediate predecessor.

(g) A vacancy among the appointed Board members shall be filled within 45 days of its occurrence. The Mayor shall submit a nominee to the Council for confirmation within 30 days of the vacancy. Any Board member appointed to fill a vacancy shall serve until the end of the original term.

(Aug. 12, 1955, 69 Stat. 702, ch. 862, § 10; Oct. 4, 1961, 75 Stat. 819, Pub. L. 87-389, § 1(18, 19, 20); Apr. 22, 1968, 82 Stat. 105, Pub. L. 90-292, § 4(7); Sept. 22, 1970, 84 Stat. 850, Pub. L. 91-405, title II, §§ 203(c), 205(e)(2); Dec. 23, 1971, 85 Stat. 792, Pub. L. 92-220, § 1(18)-(21); Aug. 14, 1973, 87 Stat. 313, Pub. L. 93-92, § 1(16)-(19); Dec. 24, 1973, 87 Stat. 834, Pub. L. 93-198, title VII, § 751(4)-(8); Aug. 29, 1974, 88 Stat. 794, Pub. L. 93-395, § 3(a); Sept. 2, 1976, D.C. Law 1-79, title V, § 504, 23 DCR 2050; Apr. 23, 1977, D.C. Law 1-126, title II, § 201, title IV, § 402, 24 DCR 2372; Aug. 18, 1978, D.C. Law 2-101, § 2, 25 DCR 257; Mar. 16, 1982, D.C. Law 4-88, § 2(h), (n)-(q), (s), 29 DCR 458; Sept. 26, 1984, D.C. Law 5-116, § 5, 31 DCR 4018; Mar. 16, 1988, D.C. Law 7-92, § 3(m), 35 DCR 716; Dec. 10, 1991, D.C. Law 9-49, § 2(b), 38 DCR 6572; Sept. 22, 1994, D.C. Law 10-173, § 2(e), 41 DCR 5154; July 18, 2000, D.C. Law 13-149, § 5(b), 47 DCR 4639; June 21, 2003, D.C. Law 15-18, § 2(b), 50 DCR 3389; Dec. 7, 2004, D.C. Law 15-218, § 2(e), 51 DCR 9132; Oct. 18, 2007, D.C. Law 17-26, § 2(c), 54 DCR 8018; Mar. 25, 2009, D.C. Law 17-353, § 218, 56 DCR 1117; Feb. 4, 2010, D.C. Law 18-103, § 2(h), 56 DCR 9169; June 16, 2011, D.C. Law 19-7, § 2(b), 58 DCR 3882; Apr. 27, 2012, D.C. Law 19-124, § 501(g)(5), 59 DCR 1862; Dec. 13, 2013, D.C. Law 20-60, § 301(b), 60 DCR 15487.)

Section references. — This section is referenced in § 1-204.114, § 1-309.07, § 1-1001.08, § 1-1001.17, and § 38-2651.

Effect of amendments.

The 2013 amendment by D.C. Law 20-60 substituted “or by § 1-204.35(b), primary elections of each political party for the office of Chairman of the Council, Mayor and Attorney General” for a comma and “primary elections of each political party for the office of Mayor and Chairman” in (a)(3)(C); substituted “authorized by this subchapter or by § 1-204.35(b)” for “authorized by this subchapter” in (a)(4); and substituted “Delegate, member of the Council, Mayor, Attorney General, member of the Board of Education, or winner of a primary election for the office of Delegate, member of the Council, Mayor, or Attorney General” for “Delegate, Mayor, member of the Council, member of the

Board of education, or winner of a primary election for the office of Delegate, Mayor, or member of the Council” in (d)(1).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(b) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

For temporary (90 days) amendment of this section, see § 2(b) of the Party Officer Elections Emergency Amendment Act of 2013 (D.C. Act 20-210, November 7, 2013, 60 DCR 15781).

Legislative history of Law 20-60. — See note to § 1-1001.08.

Editor's notes.

Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 301 of the act shall apply as of December 13, 2013.

§ 1-1001.11. Recount; judicial review of election.

(a)(1) The Board shall recount the votes cast in one or more voting precincts, if, within 7 days after the Board certifies the results of an election for an office, a candidate for that office petitions the Board in writing and specifies the

precincts in which the recount shall be conducted. Before beginning the recount, the Board shall prepare an estimate of the costs and inform the petitioner of the anticipated number of hours needed to complete the recount and the cost per hour. The costs of the recount shall not include any payments associated for salaried election officials. If the petitioner chooses to proceed with the recount, the petitioner shall deposit the amount of \$50 per precinct included in the recount. If the result of the election is changed as a result of the recount, the deposit shall be refunded. If the result is not changed, the Board shall determine the actual cost of the recount. The petitioner shall be liable for the actual cost of the recount and the Board may collect that cost from the deposit made with the petition.

(2) If in any election for President and Vice President of the United States, Delegate to the House of Representatives, Chairman of the Council, member of the Council, Mayor, Attorney General, President of the Board of Education, or member of the Board of Education, the results certified by the Board show a margin of victory for a candidate that is less than one percent of the total votes cast for the office, the Board shall conduct a recount. The cost of a recount conducted pursuant to this paragraph shall not be charged to any candidate.

(3) In the case of an initiative or referendum measure placed on the ballot pursuant to § 1-1001.16, or a recall measure placed on the ballot pursuant to § 1-1001.17, the Board shall conduct a recount if the difference between the number of votes for and against the initiative, referendum, or recall measure is less than one percent of the total votes cast.

(4) The Board shall issue regulations prescribing the procedures for the Board to:

(A) Provide notice of a recount to candidates for an office subject to a recount;

(B) Conduct a recount and certify the official result of an election, initiative, referendum, or recall measure which is the subject of the recount; and

(C) Ensure that each candidate for an office subject to a recount may designate watchers to be present while the recount is conducted, or in the case of an initiative, referendum, or recall measure, ensure that members of the public may be present while the recount is conducted.

(b)(1) Within 7 days after the Board certifies the results of an election, any person who voted in the election may petition the District of Columbia Court of Appeals to review the election. The Court's authority to review the results of an election shall include initiative, referendum, and recall measures as well as elections for a particular office.

(2) In response to such a petition, the Court may set aside the results certified and declare the true results of the election, or void the election in whole or in part. To determine the true results of an election, the Court may order a recount or take other appropriate action, whether or not a recount has been conducted or requested pursuant to subsection (a) of this section. The Court shall void an election only if it:

(A) Determines that the candidate certified as the winner of the election does not meet the qualifications required for office; or

(B) Finds that there was any act or omission, including fraud, misconduct, or mistake serious enough to vitiate the election as a fair expression of the will of the registered qualified electors voting in the election.

(3) If the Court voids an election, it may order a special election, which shall be conducted in such a manner, and at such time, as the Board may prescribe.

(4) The decision of the Court in any case brought pursuant to this subsection shall be final and may not be appealed.

(5) The Court shall have the authority to require the losing party to reimburse the prevailing party for reasonable attorneys' fees and other costs associated with the case, but shall not exercise this authority if it finds that the reimbursement would impose an undue financial hardship on the losing party.

(Aug. 12, 1955, 69 Stat. 703, ch. 862, § 11; Apr. 22, 1968, 82 Stat. 106, Pub. L. 90-292, § 4(8); Dec. 23, 1971, 85 Stat. 793, Pub. L. 92-220, § 1(22); Aug. 14, 1973, 87 Stat. 313, Pub. L. 93-92, § 1(20); Aug. 18, 1978, D.C. Law 2-101, § 2, 25 DCR 257; Sept. 13, 1980, D.C. Law 3-93, § 2, 27 DCR 3497; Mar. 16, 1982, D.C. Law 4-88, § 2(q)-(s), 29 DCR 458; June 28, 2002, D.C. Law 14-168, § 2, 49 DCR 4478; Feb. 4, 2010, D.C. Law 18-103, § 2(i), 56 DCR 9169; Dec. 13, 2013, D.C. Law 20-60, § 301(c), 60 DCR 15487.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-60 substituted "Delegate to the House of Representatives, Chairman of the Council, member of the Council, Mayor, Attorney General" for "Delegate to the House of Representatives, Mayor, Chairman of the Council, member of the Council" in (a)(2).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(c) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — See note to § 1-1001:08.

Editor's notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 301 of the act shall apply as of December 13, 2013.

§ 1-1001.15. Candidacy for more than 1 office prohibited; multiple nominations; candidacy of officeholder for another office restricted.

(a) No person shall be a candidate for more than one office on the Board of Education, the Council, Mayor, or Attorney General in any election for the members of the Board of Education, the Council, Mayor, or Attorney General, and no person shall be a candidate for more than one office on the Council, Mayor, or Attorney General in any primary election. If a person is nominated for more than 1 such office, he or she shall, within 3 days after the Board has sent him notice that he or she has been so nominated, designate in writing the office for which he or she wishes to run, in which case he or she will be deemed to have withdrawn all other nominations. In the event that such person fails within such 3-day period to file such a designation with the Board, all such nominations of such person shall be deemed withdrawn.

(b) Notwithstanding the provisions of subsection (a) of this section, a person holding the office of Delegate; Chairman or member of the Council, Mayor, Attorney General, or member of the Board of Education shall, while holding such office, be eligible as a candidate for any other of such offices in any

primary or general election. In the event that said person is elected in a general election to the office for which he or she is a candidate, that person shall, within 24 hours of the date that the Board certifies said person's election, pursuant to subsection (a)(11) of § 1-1001.05, either resign from the office that person currently holds or shall decline to accept the office for which he or she was a candidate. In the event that said person elects to resign, said resignation shall be effective not later than 24 hours before the date upon which that person would assume the office to which he or she has been elected.

(Aug. 12, 1955, 69 Stat. 704, ch. 862, § 15; as added Apr. 22, 1968, 82 Stat. 106, Pub. L. 90-292, § 4(9); Dec. 24, 1973, 87 Stat. 835, Pub. L. 93-198, title VII, § 751(9), (10); Apr. 23, 1977, D.C. Law 1-126, title IV, § 402, 24 DCR 2372; Jan. 2, 1979, D.C. Law 2-101, § 2, 25 DCR 257; Mar. 16, 1982, D.C. Law 4-88, § 2(j), (o), (q), 29 DCR 458; Mar. 14, 1985, D.C. Law 5-159, § 22, 32 DCR 30; Dec. 13, 2013, D.C. Law 20-60, § 301(d), 60 DCR 15487.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-60 substituted “No person shall be a candidate for more than one office on the Board of Education, the Council, Mayor, or Attorney General in any election for the members of the Board of Education, the Council, Mayor, or Attorney General, and no person shall be a candidate for more than one office on the Council, Mayor, or Attorney General in any primary election” for “No person shall be a candidate for more than 1 office on the Board of Education or the Council or Mayor in any election for the members of the Board of Education or the Council or Mayor, and no person shall be a candidate for more than 1 office on the Council or for the Mayor in any

primary election” in (a); and substituted “Delegate, Chairman or member of the Council, Mayor, Attorney General” for “Mayor, Delegate, Chairman or member of the Council” in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(d) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — See note to § 1-1001.08.

Editor's notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 301 of the act shall apply as of December 13, 2013.

§ 1-1001.16. Initiative and referendum process.

(a)(1) Any registered qualified elector, or electors of the District of Columbia, who desire to submit a proposed initiative measure to the electors of the District of Columbia, or who desire to order that a referendum be held on any act, or on some part or parts of an act, that has completed the course of the legislative process within the District of Columbia government in accordance with § 1-204.04(e), shall file with the Board 5 printed or typewritten copies of the full text of the measure, a summary statement of not more than 100 words, and a short title of the measure to be proposed in an initiative, or of the act or part thereof on which a referendum is desired.

(2) The proposed initiative measure, or the act or part thereof, on which a referendum is desired shall be accompanied by:

(A) The name and address of the proposer; and

(B) An affidavit that the proposer is a registered qualified elector of the District of Columbia.

(b)(1) Upon receipt of each proposed initiative or referendum measure, the Board shall refuse to accept the measure if the Board finds that it is not a proper subject of initiative or referendum, whichever is applicable, under the

terms of title IV of the District of Columbia Home Rule Act, or upon any of the following grounds:

(A) The verified statement of contributions has not been filed pursuant to §§ 1-1163.07 and 1-1163.09;

(B) The petition is not in the proper form established in subsection (a) of this section;

(C) The measure authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2; or

(D) The measure presented would negate or limit an act of the Council of the District of Columbia pursuant to § 1-204.46.

(2) In the case of refusal to accept a measure, the Board shall endorse on the measure the words "received but not accepted" and the date, and retain the measure pending appeal. If none of the grounds for refusal exists, the Board shall accept the measure.

(3) If the Board refuses to accept any initiative or referendum measure submitted to it, the person or persons submitting such measure may apply, within 10 days after the Board's refusal to accept such measure, to the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept such measure. The Superior Court of the District of Columbia shall expedite consideration of the matter. If the Superior Court of the District of Columbia determines that the issue presented by the measure is a proper subject of initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Home Rule Act, and that the measure is legal in form, does not authorize discrimination as prescribed in paragraph (1)(C) of this subsection, and would not negate or limit an act of the Council of the District of Columbia as prescribed in paragraph (1)(D) of this subsection, it shall issue an order requiring the Board to accept the measure. Should the Superior Court of the District of Columbia hold in favor of the proposer, it may award court costs and reasonable attorneys' fees to the proposer.

(4) After subject determination has been made the Board shall assign a serial number to each initiative and referendum measure, using separate series of numbers for initiative and separate series of numbers for referendum measures. Thereafter, a measure shall be known and designated on all petitions, ballots and proceedings as "Initiative Measure No." or "Referendum Measure No.".

(c) Within 20 calendar days, of the date on which the Board accepts an initiative or referendum measure, the Board shall:

(1) Prepare a true and impartial summary statement, not to exceed 100 words, bearing the serial number of the measure, and expressing the purpose of the measure. Such statement shall not intentionally create prejudice for or against the measure;

(2) Prepare a short title for the measure consisting of not more than 15 words to permit the voters to identify readily the initiative or referendum measure and to distinguish it from other measures which may appear on the ballot; and

(3) Prepare, in the proper legislative form, the proposed initiative or referendum measure, where applicable, which shall conform to the legislative

drafting format of acts of the Council of the District of Columbia. The Board may consult experts in the field of legislative drafting, including, but not limited to, Corporation Counsel of the District of Columbia and officers of the Council of the District of Columbia for the purpose of preparing the measure in its proper legislative form.

(d) After preparation, the Board shall adopt the summary statement, short title, and legislative form at a public meeting and shall within 5 days, notify the proposer of the measure of the exact language. In addition, the Board, within 5 days of adoption, shall submit the summary statement, short title, and legislative form to the District of Columbia Register for publication.

(e)(1)(A) If any registered qualified elector of the District of Columbia objects to the summary statement, short title, or legislative form of the initiative measure formulated by the Board pursuant to subsections (c) and (d) of this section, that person may seek review in the Superior Court of the District of Columbia within 10 calendar days from the date the Board publishes the summary statement, short title, and legislative form in the District of Columbia Register stating objections and requesting appropriate changes. The Superior Court of the District of Columbia shall expedite the consideration of this matter.

(B) If any registered qualified elector of the District of Columbia objects to the summary statement, short title, or legislative form of the referendum measure formulated by the Board pursuant to subsection (c) of this section, that person may seek review in the Superior Court of the District of Columbia within 10 calendar days from the date the Board publishes the summary statement, short title, and legislative form in at least one newspaper of general circulation stating objections and requesting appropriate changes. The Superior Court of the District of Columbia shall expedite the consideration of this matter.

(2) Should no review in the Superior Court of the District of Columbia be sought as provided in paragraph (1) of this subsection, the proposed summary statement, short title and legislative form shall be deemed to be accepted.

(3) Should the Superior Court of the District of Columbia hold in favor of the proposer, it may award court costs and reasonable attorney's fees to the proposer.

(f) When the summary statement, short title, and legislative form of an initiative or referendum measure has been established pursuant to subsection (e) of this section, the Board shall certify such and transmit a copy thereof by certified mail to the proposer. Thereafter, such short title shall be the title of the measure in all petitions, ballots, and other proceedings relating thereto. The Board shall, upon the request of any person, make single copies of the approved short title, summary statement, and full legislative text available at no charge. Additional copies shall be made available at a nominal cost.

(g) Upon final establishment of the summary statement, short title, and legislative form of an initiative or referendum proposal, the Board shall prepare and provide to the proposer at a public meeting an original petition form which the proposer shall formally adopt as his or her own form. The proposer shall print from the original blank petition sheets on white paper of

good writing quality of the same size as the original. Each initiative or referendum petition sheet shall consist of one double-sided sheet providing numbered lines for 20 printed names and signatures with residence addresses (street numbers) and ward numbers, and shall have printed on it, in a manner prescribed by the Board, the following:

(1) A warning statement that declares that only duly registered voters of the District of Columbia may sign the petition;

(2) A statement that requests that the Board hold an election on the initiative or referendum measure that states the measure's serial number and short title; and

(3) The text of the official summary and short title of the measure printed on the front of the petition sheet.

(h) Each petition sheet for an initiative or referendum measure shall contain an affidavit, made under penalty of perjury, in a form determined by the Board and signed by the circulator of that petition sheet which contains the following:

(1) The printed name of the circulator;

(2) The residence address of the circulator, giving the street number;

(3) That the circulator of the petition sheet was in the presence of each person when the appended signature was written;

(4) That according to the best information available to the circulator, each signature is the genuine signature of the person it purports to be;

(5) That the circulator of the initiative or referendum petition sheet was a qualified petition circulator at the time of circulation.

(6) The dates between which the signatures to the petition were obtained.

(i) In order for any initiative or referendum measure to qualify for the ballot for consideration by the electors of the District of Columbia, the proposer of such an initiative or referendum measure shall secure the valid signatures of registered qualified electors upon the initiative or referendum measure equal in number to 5 percent of the registered electors in the District of Columbia: Provided, that the total signatures submitted include 5 percent of the registered electors in each of 5 or more of the 8 wards. The number of registered electors which is used for computing these requirements shall be consistent with the latest official count of registered electors made by the Board 30 days prior to the initial submission to the Board of the initiative or referendum measure, pursuant to subsection (a) of this section.

(j)(1) A proposer of an initiative measure shall have 180 calendar days, beginning on the 1st calendar day immediately following the date upon which the Board certifies, according to subsection (h) [subsection (f)] of this section, that the petition form of such initiative measure is in its final form to secure the proper number of valid signatures needed on the initiative petition to qualify such a measure for the ballot, pursuant to subsection (i) of this section and to file such petition with the Board.

(2) A proposer of a referendum measure shall secure the proper number of valid signatures needed on the referendum petition to qualify such a measure for the ballot pursuant to subsection (i) of this section, and shall file such petition with the Board before the act, or part thereof, which is the subject of

the referendum has become law according to the provisions of §§ 1-204.04 and 1-206.02(c). No act is subject to referendum if it has taken effect according to the provisions of § 1-206.02(c).

(3) The proposer may not begin circulating an initiative or referendum petition until the Board has certified pursuant to subsection (h) [subsection (f)] of this section that such petition is in its final form.

(k)(1) Upon submission of an initiative or referendum petition by the proposer to the Board, the Board shall refuse to accept the petition upon any of the following grounds:

(A) The petition is not in the proper form established in subsection (g) of this section;

(B) The time limitation established in subsection (j) of this section within which the petition may be circulated and submitted to the Board has expired;

(C) The petition on its face clearly bears an insufficient number of signatures;

(D) The petition sheets do not have attached to them the statements of the circulators as provided in subsection (h) of this section; or

(E) The petition was circulated by persons who were not qualified petition circulators at the time of circulation.

(2) In the case of refusal to accept a petition, the Board shall endorse on the petition the words "submitted but not accepted" and the date, and retain the petition pending appeal. If none of the grounds for refusal exists, the Board shall accept the petition.

(l) If the Board refuses to accept an initiative or referendum petition when submitted to it, the person or persons submitting such petition may apply, within 10 days after the Board's refusal to accept such petition, to the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept such petition. The Superior Court of the District of Columbia shall expedite the consideration of the matter. If the Superior Court of the District of Columbia determines that the petition is legal in form and apparently meets the requirement for signatures, both as to number and as to ward distribution, prescribed in subsection (i) of this section, and was submitted within the time limitations established in subsection (j) of this section, and has attached to the petition the proper statements of the circulators prescribed in subsection (h) of this section, it shall issue an order requiring the Board to accept the petition as of the date of submission for filing. Should the Superior Court of the District of Columbia hold in favor of the proposer, it may award court costs and reasonable attorneys' fees to the proposer.

(m) Upon submission of a referendum petition to the Board, the Board shall notify the appropriate custodian of the act of the Council of the District of Columbia which is the subject of the referendum (either the President of the Senate and the Speaker of the House of Representatives) as provided in §§ 1-204.04 and 1-204.46 and the President of the Senate and the Speaker of the House of Representatives shall, as appropriate, return such act or part or parts of such act to the Chairman of the Council of the District of Columbia. No further action may be taken upon such act until after a referendum election is

held. If, however, after the counting and validation procedure for signatures, which takes place pursuant to subsection (o) of this section, the referendum measure fails to meet the percentage and distribution requirements for signatures established in subsection (i) of this section, the act which was the subject of the referendum shall be again transmitted to the Congress for review as provided in § 1-206.02(c).

(n) When the Board accepts an initiative or referendum petition, whether in the normal course or at the direction of a court, the Board may detach, in the presence of the person submitting the petition or his or her designated representative, if he or she desires to be present, the sheets containing the signatures, and cause all of them to be firmly attached to 1 or more printed copies of the proposed initiative or referendum measure in such books or volumes as will be most convenient for counting, canvassing, and validating names and signatures.

(o)(1) After acceptance of an initiative or referendum petition, the Board shall certify, within 30 calendar days after such petition has been accepted, whether or not the number of valid signatures on the initiative or referendum petition meets the qualifying percentage and ward distribution requirements established in subsection (i) of this section, and whether or not the necessary number of names and signatures of registered qualified electors of the District of Columbia, properly distributed by wards, appear on the initiative or referendum petition. This certification may be by a bona fide random and statistical sampling method. If the Board finds that the same person has signed a petition for the same initiative or referendum measure more than once, it shall count only 1 signature of such person. If a person who signs a petition is found to be a qualified registered elector in a ward other than that which was indicated on the petition sheet, such person shall be counted from the correct ward in determining whether or not an initiative or referendum measure qualifies for the ballot. Two persons representing the proposer(s) may be present during the counting and validation procedures. Should a political committee or committees exist in opposition to a particular proposed initiative or referendum measure, 2 persons representing such committee or committees may be present during the counting and validation procedures. The Board shall post, by making available for public inspection, petitions for initiatives or referenda, or facsimiles thereof, in the office of the Board, for 10 days, including Saturdays, Sundays, and holidays, beginning on the 3rd day after the petitions are filed. Any qualified elector may, within such 10-day period, challenge the validity of any petition, by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in such petition. The provisions of § 1-1001.08(o)(2) shall be applicable to such challenge. The Board may issue supplemental rules concerning the challenge of such petitions.

(2) For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine that the address on the petition is the same as the residence shown on the signer's voter registration record. If the address is different, the signature shall not be counted as valid unless the Board's records show that the person was registered to vote from the address listed on the petition at the time the person signed the petition.

(p)(1) After determining that the number and validity of signatures on the initiative or referendum petition meet the qualification standards established under this section, the Board shall certify the sufficiency of the initiative or referendum petition and shall certify that the initiative or referendum measure will appear on the ballot. The Board shall conduct an election on an initiative measure at the next primary, general, or city-wide special election held at least 90 days after the date on which the measure has been certified as qualified to appear on the ballot. The Board shall conduct an election on a referendum measure within 114 days after the date the measure has been certified as qualified to appear on the ballot. In the case of a referendum measure, if a previously scheduled general, primary, or special election will occur between 54 and 114 days after the date the measure has been certified as qualified to appear on the ballot, the Board may present the referendum measure at that election.

(2) The Board shall publish the established legislative text of an initiative or referendum measure in no less than 2 newspapers of general circulation in the District of Columbia within 30 calendar days after the date upon which the Board certifies, pursuant to paragraph (1) of this subsection, that the measure has qualified for appearance on an election ballot.

(q)(1) Upon qualification of an initiative measure, the Board shall place on the ballot the serial number of the initiative and its short title and summary statement in substantially the following form:

INITIATIVE MEASURE No.
(SHORT TITLE)
(SUMMARY STATEMENT)
FOR Initiative Measure No.
AGAINST Initiative Measure No.

(2) Upon qualification of a referendum measure, the Board shall place on the ballot the serial number of the referendum measure and its short title and summary statement in substantially the following form:

REFERENDUM MEASURE No.
(SHORT TITLE)
(SUMMARY STATEMENT)

(A) If the referendum concerns whether the registered voters of the District of Columbia approve or reject the act, then the ballot shall state:

Shall the registered voters of the District of Columbia approve or reject Act (insert Act number)?

YES, to approve

NO, to reject.

(B) If the referendum concerns part or parts of an act, then the ballot shall state:

Shall the registered voters of the District of Columbia approve or reject sections (insert section(s) that is the subject of the referendum measure) of Act (insert Act number)?

YES, to approve

NO, to reject.

(r)(1) An initiative measure which has been ratified by a majority of the registered qualified electors voting on the measure shall not take effect until the end of the 30-day congressional review period (excluding Saturdays, Sundays and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than 3 days or an adjournment of more than 3 days) beginning on the day such measure is transmitted to the Speaker of the House of Representatives and the President of the Senate, and then only if during such 30-day period both Houses of Congress do not adopt a concurrent resolution disapproving such initiated act. Upon certification by the Board that the initiative measure has been ratified, the Chairman of the Council shall forthwith transmit the measure to the Speaker of the House of Representatives and to the President of the Senate.

(2) If a majority of the registered qualified electors voting in a referendum on an act or part or parts thereof vote to disapprove the act or part or parts thereof, then such action shall be deemed a rejection of the act or part or parts thereof, and no action by the Council of the District of Columbia may be taken on such act or part thereof for 365 days following the date when the Board certifies the vote concerning the referendum.

(s) If provisions of 2 or more initiative or referendum measures which have been approved by the registered qualified electors at the same election conflict, the provisions of the measure receiving the highest number of affirmative votes shall prevail over the conflicting provision of the other measure.

(Aug. 12, 1955, 69 Stat. 704, ch. 862, § 16, as added June 7, 1979, D.C. Law 3-1, § 2(c), 25 DCR 9454; Mar. 16, 1982, D.C. Law 4-88, § 2(k), (o), (q), (s), 29 DCR 458; Mar. 16, 1988, D.C. Law 7-92, § 3(n), 35 DCR 716, May 10, 1989, D.C. Law 7-231, § 5, 36 DCR 492; Mar. 11, 1992, D.C. Law 9-75, § 2(e), 39 DCR 310; Feb. 5, 1994, D.C. Law 10-68, § 7(c), 40 DCR 6311; Sept. 22, 1994, D.C. Law 10-173, § 2(g), 41 DCR 5154; July 25, 1995, D.C. Law 11-30, § 2(e), 42 DCR 1547; March 31, 2000, D.C. Law 13-64, § 2, 46 DCR 9219; Apr. 27, 2012, D.C. Law 19-124, § 501(g)(6), 59 DCR 1862; Oct. 17, 2013, D.C. Law 20-31, § 2(c), 60 DCR 11535.)

Section references. — This section is referenced in § 1-1001.07, § 1-1001.11, § 1-1001.14, § 1-1001.17, § 1-1021.03, § 1-1021.04, and § 1-1163.11.

Effect of amendments.

The 2013 amendment by D.C. Law 20-31 substituted “was a qualified petition circulator at the time of circulation” for “is a resident of

the District of Columbia and at least 18 years of age; and” in (h)(5); and substituted “qualified petition circulators” for “residents of the District of Columbia and at least 18 years of age” in (k)(1)(E).

Legislative history of Law 20-31. — See note to § 1-1001.02.

§ 1-1001.17. Recall process.

(a) The provisions of this section shall govern the recall of all elected officers of the District of Columbia except the Delegate to the Congress from the District of Columbia.

(b)(1) Any registered qualified elector or electors desiring to initiate the recall of an elected officer shall file a notice of intention to recall that officer with the Board, which contains the following information:

(A) The name and title of the elected officer sought to be recalled;

(B) A statement not to exceed 200 words in length, giving the reasons for the proposed recall;

(C) The name and address of the proposer of the recall; and

(D) An affidavit that each proposer is:

(i) A registered qualified elector in the election ward of the elected officer whose recall is sought, if that officer was elected to represent a ward;

(ii) A registered qualified elector in the District of Columbia, if the officer whose recall is sought was elected at-large; or

(iii) A registered qualified elector in the single-member district of an Advisory Neighborhood Commissioner whose recall is sought.

(2) A separate notice of intention shall be filed for each officer sought to be recalled.

(c)(1) No recall proceedings shall be initiated for an elected officer during the 1st 365 days nor during the last 365 days of his term of office.

(2) The recall process for an elected officer may not be initiated within 365 days after a recall election has been determined in his or her favor.

(3) In the case of an Advisory Neighborhood Commissioner, no recall proceedings shall be initiated during the first 6 months or the last 6 months of the Commissioner's term of office, nor within 6 months after a recall election has been decided in favor of the Commissioner.

(d)(1) The Board shall serve, in person or by certified mail, the notice of intention to recall to the elected officer sought to be recalled within 5 calendar days.

(2) The elected officer sought to be recalled may file with the Board, within 10 calendar days after the filing of the notice of intention to recall, a response of not more than 200 words, to the statement of the proposer of recall. If an answer is filed, the Board shall serve immediately a copy of that response to the proposer named in the notice of intention to recall.

(3) The statement contained in the notice of intention to recall and the elected officer's response are intended solely for the information of the voters. No insufficiency in form or substance of such statement shall affect the validity of the election proceedings.

(e) Upon filing with the Board the notice of intention of recall and the elected officer's response, the Board shall prepare and provide to the proponent an original petition form which the proposer shall formally adopt as his or her own form. The proponent shall print from the original blank petition sheets on white paper of good writing quality of the same size as the original. Each recall petition sheet shall be double sided and consist of numbered lines for 20 names and signatures with residence address (street numbers), and, where applicable, the ward numbers, and shall have printed on it the following:

(1) A warning statement that declares that only duly registered electors of the District of Columbia may sign the petition;

(2) The name of the elected officer sought to be recalled and the office which he or she holds;

(3) A statement that requests that the Board hold a recall election in a manner prescribed in §§ 1-204.111 to 1-204.115;

(4) The name and address of the proposer or proposers of the recall; and

(5) The statement of grounds for the recall and the response of the officer sought to be recalled, if any. If the officer sought to be recalled has not responded, the petition shall so state.

(f) Each petition sheet or sheets for recall shall have attached to it, at the time of submission to the Board, a statement made under penalties of perjury, in a form determined by the Board signed by the circulator of that petition which contains the following:

(1) The printed name of the circulator;

(2) The residence address of the circulator giving the street and number;

(3) That the circulator of the petition form was in the presence of each person when the appended signature was written;

(4) That according to the best information available to the circulator, each signature is the genuine signature of the person whose name it purports to be;

(5) That the circulator of the recall petition was a qualified petition circulator at the time of circulation; and

(6) The dates between which all the signatures to the petition were obtained.

(g) The proposer of a recall shall have 180 days or, in the case of a proposed recall of an Advisory Neighborhood Commissioner, 60 days, beginning on the date when the proponent of the recall formally adopts the original petition form as his or her own form pursuant to subsection (e) of this section, to circulate the recall petition and file the petition with the Board.

(h)(1) A recall petition for an elected officer from a ward shall include the valid signatures of 10 percent of the registered qualified electors of the ward from which the officer was elected. The 10 percent shall be computed from the total number of the qualified registered electors from such ward according to the latest official count of the registered qualified electors made by the Board 30 days prior to the date of initial submission to the Board of the notice of intention to recall.

(2) A recall petition for an at-large elected official shall contain the signatures of registered qualified electors in number equal to 10 percent of the registered qualified electors in the District of Columbia: Provided, that the total signatures submitted include 10 percent of the registered electors in each of 5 or more of the 8 wards. The 10 percent shall be computed from the total number of registered qualified electors from the District of Columbia according to the same procedures established in paragraph (1) of this subsection.

(3) A recall petition for an elected officer from a single-member district shall include the valid signatures of 10% of the registered qualified electors of the single-member district from which the officer was elected, except when the elected officer has missed all regularly scheduled meetings of the Advisory Neighborhood Commission of which the single-member district is a part for at least a three-month period, in which case the recall petition must only include the valid signatures of 5% of the registered qualified electors of the single-member district from which the officer was elected. The 5% or 10% shall be

computed from the total number of registered qualified electors from the single-member district in accordance with the same procedures established in paragraph (1) of this subsection.

(i) Upon the submission of a recall petition by the proposer to the Board, the Board shall refuse to accept the petition upon any of the following grounds:

(1) Except in the case of a recall petition for an Advisory Neighborhood Commissioner, the financial disclosure statement of the proposer has not been filed pursuant to §§ 1-1163.07 and 1-1163.09;

(2) The petition is not the proper form established in subsection (e) of this section;

(3) The restrictions for initiating the recall process established in subsection (c) of this section were not observed;

(4) The time limitation established in subsection (g) of this section within which the recall petition may be circulated and submitted to the Board has expired;

(5) The petition clearly bears on its face an insufficient number of signatures to qualify for the ballot; or

(6) The petition was circulated by persons who were not qualified petition circulators at the time of circulation.

(j)(1) If the Board refuses to accept the recall petition when submitted to it, the proposer submitting such petition to the Board may appeal, within 10 days after the Board's refusal, to the Superior Court of the District of Columbia for a writ in the nature of mandamus to compel the Board to accept such recall petition. The Superior Court of the District of Columbia shall expedite the consideration of the matter. If the Superior Court of the District of Columbia determines that the petition is legal in form and apparently meets the requirements established under this section, it shall issue an order requiring the Board to accept the petition as of the date of submission.

(2) Should the Superior Court of the District of Columbia hold in favor of the proposer, it may award court costs and reasonable attorney's fees to the proposer.

(k)(1) After the acceptance of a recall petition, the Board shall certify, within 30 calendar days after such petition has been filed, whether or not the number of valid signatures on the recall petition meets the qualifying percentage and ward distribution requirements established in subsection (h) of this section and whether or not the necessary number of signatures of registered qualified electors of the District of Columbia, properly distributed by wards, appears on the petition. This certification may be made by a bona fide random and statistical sampling method. In a case in which an officer elected from a ward is sought to be recalled, if a person who signs a recall petition for that elected officer is found not to be a registered qualified elector in the ward indicated on the petition, that name and signature shall not be counted toward determining whether or not the recall measure qualifies. In a case in which an officer elected at-large is sought to be recalled, if a person who signs a recall petition for that elected officer is found to be a registered qualified elector in a ward other than what was indicated on the petition sheet, such person shall be counted from the correct ward in determining whether or not a recall measure for an at-large

elected officer qualified. In a case in which an Advisory Neighborhood Commissioner is sought to be recalled, if a person who signs a petition to recall that Advisory Neighborhood Commissioner is found not to be a registered qualified elector in the single-member district indicated on the petition, the person's name and signature shall not be counted toward determining whether or not the recall measure qualifies. If the Board finds that the same person has signed a petition for the same recall measure more than once, it shall count only 1 signature of such person. Two persons representing the petitioner(s) seeking the recall and 2 persons representing the elected officer sought to be recalled may be present to observe during the counting and validating procedure.

(2) The Board shall post, within 3 calendar days after the acceptance of a recall petition, whether in the normal course or at the direction of a court, by making available for public inspection in the office of the Board, the petition for the recall measure or facsimile. Any registered qualified elector, during a 10-day period (including Saturdays, Sundays, and holidays, except that with respect to a petition to recall a member of an Advisory Neighborhood Commission SMD, the 10-day period shall not include Saturdays, Sundays, and holidays), beginning on the day the recall petition was posted by the Board, may challenge the validity of such petition by a written statement duly signed by the challenger and filed with the Board, specifying concisely the alleged defects in the petition. The provisions of § 1-1001.08(o)(2) shall be applicable to a challenge and the Board may establish any necessary rules and regulations consistent that concerns the process of the challenge.

(3) For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine that the address on the petition is the same as the residence shown on the signer's voter registration record. If the address is different, the signature shall not be counted as valid unless the Board's records show that the person was registered to vote from the address listed on the petition at the time the person signed the petition.

(l) After determining that the number and validity of signatures in the recall petition meet the requirements established in this section, the Board shall certify the sufficiency of such recall petition and shall fix the date of a special election to determine whether the elected officer who is the subject of the recall shall be removed from his or her office. The Board shall conduct an election for this purpose within 114 days after the date the petition to recall has been certified as to its sufficiency. If a previously scheduled general, primary, or special election will occur between 54 and 114 days after the date the petition to recall has been certified as to its sufficiency, the Board may present the recall measure at that election. In the case of a proposed recall of an officer elected to represent a particular ward, the recall election shall be conducted only in that ward. In the case of a proposed recall of an Advisory Neighborhood Commissioner, the recall election shall be conducted in one of the following manners unless conducted in accordance with a previously scheduled general, primary, or special election pursuant to this subsection:

(1)(A) In the single-member district represented by the Advisory Neighborhood Commissioner at the voting precinct containing the majority of the registered qualified electors; or

(B) If the voting precinct is unavailable, at an appropriate alternative site within the single-member district;

(2) By postal ballot by mailing by 1st class mail no later than 7 days prior to the date of the election an official ballot issued by the Board. The ballots shall be mailed to each qualified registered elector in the single-member district at the address at which the elector is registered, except for those persons who have made arrangements with the Board for absentee voting pursuant to § 1-1001.09(b)(2). The Board shall, pursuant to § 1-1001.05(a)(14), issue rules to implement the provisions of this paragraph. The ballots shall be printed with prepaid 1st class postage and shall be postmarked no later than midnight of the day of the election.

(3) A special election called to consider the recall of an Advisory Neighborhood Commissioner shall not be considered an election for the purposes of § 1-1001.16(p).

(m) The Board shall place the recall measure on the ballot in substantially the following form:

FOR the recall of (insert the name of the elected officer and the office held)

AGAINST the recall of (insert the name of the elected officer and the office held)

(n) Based on the results of the special election held to decide the outcome of the recall measure, the elected officer sought to be recalled shall be removed from that office: Provided, that a majority of the qualified electors voting in the recall election vote to remove him or her. The vacancy, as created by the removal, shall be filled in the same manner as other vacancies, as provided in §§ 1-204.01(b)(3) and (d), 1-204.21(c)(2), 1-309.06(d), and 1-1001.10.

(Aug. 12, 1955, 69 Stat. 704, ch. 862, § 17, as added June 7, 1979, D.C. Law 3-1, § 2(d), 25 DCR 9454; Mar. 16, 1982, D.C. Law 4-88, § 2(l), (n)-(q), (s), 29 DCR 458; Mar. 16, 1988, D.C. Law 7-92, § 3(o), 35 DCR 716; Mar. 6, 1991, D.C. Law 8-203, § 2, 37 DCR 8420; Mar. 11, 1992, D.C. Law 9-75, § 2(f), 39 DCR 310; Sept. 22, 1994, D.C. Law 10-173, § 2(h), (i), 41 DCR 5154; Apr. 18, 1996, D.C. Law 11-110, § 5(b), 43 DCR 530; Apr. 9, 1997, D.C. Law 11-255, § 6(b), 44 DCR 1271; June 27, 2000, D.C. Law 13-135, § 6, 47 DCR 2741; Feb. 4, 2010, D.C. Law 18-103, § 2(j), 56 DCR 9169; Apr. 27, 2012, D.C. Law 19-124, § 501(g)(7), 59 DCR 1862; Oct. 17, 2013, D.C. Law 20-31, § 2(d), 60 DCR 11535.)

Section references. — This section is referenced in § 1-123, § 1-1001.07, § 1-1001.09, § 1-1001.11, § 1-1001.14, § 1-1021.04, and § 1-1163.11.

Effect of amendments.

The 2013 amendment by D.C. Law 20-31 substituted “was a qualified petition circulator at the time of circulation; and” for “is a registered elector of the electoral jurisdiction of the officer sought to be recalled; and” in (f)(5); and rewrote (i)(6), which read: “The petition was

circulated by persons who, if the officer sought to be recalled was elected at-large, were not qualified registered electors of the District of Columbia or if the officer sought to be recalled was elected from a ward, qualified registered electors of that ward, or if the officer sought to be recalled was elected from an Advisory Neighborhood Commission SMD, qualified registered electors of that SMD.”

Legislative history of Law 20-31. — See note to § 1-1001.02.

CHAPTER 11A. GOVERNMENT ETHICS AND ACCOUNTABILITY.

Subchapter II. Ethics Act

Sec.

tion limits of exploratory committees.

Part D

Financial Disclosures and Honoraria

Part D

Sec.

Contribution Limitations

1-1162.26. Limitations on honoraria and royalties.

1-1163.33. Contribution limitations.

Subchapter III. Campaign Finance

Part E

Part A

Prohibited Activities and Enforcement

Office of Campaign Finance

1-1163.36. Prohibition on the use of District government resources for campaign-related activities.

1-1163.04. Duties of Director of Campaign Finance.

Part B

Campaign Finance Committees

1-1163.19. Aggregate and individual contribu-

Subchapter I. Definitions.

§ 1-1161.01. Definitions.

Section references. — This section is referenced in § 1-1001.02 and § 1-1001.05.

Emergency legislation. — For temporary (90 days) addition of D.C. Law 18-335, § 7a, amending subdivision (7) of this section, see

§ 2(g) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

Subchapter II. Ethics Act.

PART B.

DIRECTOR OF GOVERNMENT ETHICS.

§ 1-1162.19. Advisory opinions.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(a) of the Board of Ethics and Government Accountability Temporary Amendment Act of 2013 (D.C. Law 20-3, May 18, 2013, 60 DCR 4622, 20 DCSTAT 1266).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(a) of the Board of Ethics and Government Accountability Emergency Amendment Act of 2013 (D.C. Act 20-24, March 7, 2013, 60 DCR 3984, 20 DCSTAT 483).

§ 1-1162.21. Penalties.

Section references. — This section is referenced in § 1-1161.01, § 1-1162.10, § 1-1162.15, § 1-1162.22, § 1-1162.32, and § 1-1163.38.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(b) of the Board of Ethics and Government Accountability Temporary Amendment Act of

2013 (D.C. Law 20-3, May 18, 2013, 60 DCR 4622, 20 DCSTAT 1266).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(b) of the Board of Ethics and Government Accountability Emergency Amendment Act of 2013 (D.C. Act 20-24, March 7, 2013, 60 DCR 3984, 20 DCSTAT 483).

PART D.

FINANCIAL DISCLOSURES AND HONORARIA.

§ 1-1162.25. Confidential disclosure of financial interest.

Section references. — This section is referenced in § 1-618.01.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Temporary Amendment Act of 2013 (D.C. Law 20-57, December 13, 2013, 60 DCR 15168).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Emergency Amendment Act of 2013 (D.C. Act 20-181, October 4, 2013, 60 DCR 14953).

§ 1-1162.26. Limitations on honoraria and royalties.

(a) Except as provided in subsections (b) and (c) of this section, neither the Mayor, the Attorney General, the Chairman of the Council, nor any member of the Council or of the State Board of Education, nor any member of his or her immediate family, shall receive honoraria exceeding \$10,000 in the aggregate during any calendar year. For the purposes of this subsection, the term “honorary” means payment of money or anything of value for an appearance, speech, or article; provided, that a reimbursement for or payment of actual and necessary travel expenses incurred shall not be considered honoraria. For the purposes of computing the \$10,000 limit on honoraria established under this subsection, an honorarium shall be considered received in the year in which the right to receive the honorarium accrues.

(b) Except as provided in subsection (c) of this section, neither the Chairman of the Council, the Mayor, the Attorney General, nor any member of the Chairman of the Council’s, the Mayor’s, or the Attorney General’s immediate family shall accept royalties for works of the Chairman of the Council, the Mayor, or the Attorney General that exceed \$10,000 in the aggregate during any calendar year. For the purposes of computing the limit on royalties established under this subsection, a royalty shall be considered received during the calendar year in which the right to receive the royalty accrues.

(c) For the purposes of this section, any royalty or part of a royalty, or any honorarium or part of an honorarium paid to a charitable organization by or on behalf of a public official shall not be calculated as part of an aggregate total.

(Apr. 27, 2012, D.C. Law 19-124, § 226, 59 DCR 1862; Dec. 13, 2013, D.C. Law 20-60, § 302(a), 60 DCR 15487.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-60 rewrote (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 3(a) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — Law 20-60, the “Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-134. The Bill

was adopted on first and second readings on July 10, 2013 and Oct. 1, 2013, respectively. Returned without the Mayor’s signature on Oct. 22, 2013, it was assigned Act No. 20-207 and transmitted to Congress for its review. D.C. Law 20-60 became effective on December 13, 2013.

Editor’s notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 302 of the act shall apply as of December 13, 2013.

Subchapter III. Campaign Finance.

PART A.

OFFICE OF CAMPAIGN FINANCE.

§ 1-1163.04. Duties of Director of Campaign Finance.

The Director of Campaign Finance shall:

(1) Develop and furnish prescribed forms, materials, and electronic formats or mediums, including electronic or digital signatures, for the making of the reports and statements required to be filed with him or her pursuant to this subchapter;

(2) Develop a filing, coding, and cross-indexing system consonant with the purposes of this subchapter;

(3) Make the reports and statements filed with him or her available for public inspection and copying, commencing as soon as practicable, but not later than the end of the 2nd day following the day during which it was received, and to permit and facilitate copying of any report or statement by hand and by duplicating machine, as requested by any person, at reasonable cost to the person, except any information copied from the reports and statements shall not be sold or utilized by any person for the purpose of soliciting contributions or for any commercial purpose;

(4) Preserve reports and statements for a period of 10 years from date of receipt;

(5) Compile and maintain a current list of all statements or parts of statements on file pertaining to each candidate;

(6) Prepare and publish other reports as he or she may consider appropriate;

(7) Assure dissemination of statistics, summaries, and reports prepared under this subchapter, including a biennial report summarizing the receipts and expenditures of candidates for public office in the prior 2-year period, and the receipts and expenditures of political, exploratory, inaugural, transition, and legal defense committees during the prior 2-year period. The Director of

Campaign Finance shall make available to the Council, Mayor, Attorney General, and the general public the first report by January 31, 2013, and shall present the summary report on the same date every 2 years thereafter. The report shall describe the receipts and expenditures of candidates for the Chairman and members of the Council, Mayor, and Attorney General, the President and members of the State Board of Education, shadow Senator, and shadow Representative, but shall exclude candidates for Advisory Neighborhood Commissioner. The report shall provide, at a minimum, the following data, as well as other information that the Director of Campaign Finance considers appropriate:

(A) A summary of each candidate's receipts, in dollar amount and percentage terms, by donor categories that the Director of Campaign Finance considers appropriate, such as the candidate himself or herself, individuals, political party committees, other political committees, corporations, partnerships, and labor organizations;

(B) A summary of each candidate's receipts, in dollar amount and percentage terms, by the size of the donation, including donations of \$500 or more; donations of \$250 or more but less than \$500; donations of \$100 or more but less than \$250; and donations of less than \$100;

(C) The total amount of a candidate's receipts and expenditures for primary and general elections, respectively, when applicable;

(D) A summary of each candidate's expenditures, in dollar amount and percentage terms, by operating expenditures, transfers to other authorized committees, loan repayments, and refunds of contributions; and

(E) A summary of the receipts and expenditures of political, exploratory, inaugural, transition, and legal defense committees, using categories considered appropriate by the Director of Campaign Finance;

(8) Make audits and field investigations with respect to reports and statements filed under this subchapter, and with respect to alleged failures to file any report or statement required under the provisions of this subchapter; and

(9) Perform such other duties as the Elections Board may require.

(Apr. 27, 2012, D.C. Law 19-124, § 304, 59 DCR 1862; Dec. 13, 2013, D.C. Law 20-60, § 302(b), 60 DCR 15487.)

Section references. — This section is referenced in § 1-1163.02.

Effect of amendments. — The 2013 amendment by D.C. Law 20-60, in the introductory paragraph of (7), substituted “the Council, Mayor, Attorney General” for “the Mayor, Council” and substituted “candidates for the Chairman and members of the Council, Mayor, and Attorney General” for “candidates for Mayor, the Chairman and members of the Council.”

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 3(b) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — See note to § 1-1162.26.

Editor's notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 302 of the act shall apply as of December 13, 2013.

PART B.

CAMPAIGN FINANCE COMMITTEES.

§ 1-1163.19. Aggregate and individual contribution limits of exploratory committees.

(a) Exploratory committees shall not receive aggregate contributions in excess of:

- (1) \$200,000 for a Mayoral exploratory committee;
- (1A) \$150,000 for an Attorney General exploratory committee;
- (2) \$150,000 for a Chairman of the Council exploratory committee;
- (3) \$100,000 for an at-large member of the Council exploratory committee;
- (4) \$50,000 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- (5) \$20,000 for a member of the State Board of Education exploratory committee.

(b) Exploratory committees shall not receive individual contributions in excess of:

- (1) \$2,000 for a Mayoral exploratory committee;
- (1A) \$1,500 for an Attorney General exploratory committee;
- (2) \$1,500 for a Chairman of the Council exploratory committee;
- (3) \$1,000 for an at-large member of the Council exploratory committee;
- (4) \$500 for a Ward Councilmember or President of the State Board of Education exploratory committee; and
- (5) \$200 for a member of the State Board of Education exploratory committee.

(Apr. 27, 2012, D.C. Law 19-124, § 319, 59 DCR 1862; Dec. 13, 2013, D.C. Law 20-60, § 302(c), 60 DCR 15487.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-60 added (a)(1A) and (b)(1A).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 3(c) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — See note to § 1-1162.26.

Editor's notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 302 of the act shall apply as of December 13, 2013.

PART D.

CONTRIBUTION LIMITATIONS.

§ 1-1163.33. Contribution limitations.

(a) No person shall make any contribution which, and no person shall receive any contribution from any person which, when aggregated with all

other contributions received from that person relating to a campaign for nomination as a candidate or election to public office, including both the primary and general election or special elections, exceeds:

(1) In the case of a contribution in support of a candidate for Mayor or for the recall of the Mayor, \$2,000;

(1A) In the case of a contribution in support of a candidate for Attorney General or for the recall of the Attorney General, \$1,500;

(2) In the case of a contribution in support of a candidate for Chairman of the Council or for the recall of the Chairman of the Council, \$1,500;

(3) In the case of a contribution in support of a candidate for member of the Council elected at-large or for the recall of a member of the Council elected at-large, \$1,000;

(4) In the case of a contribution in support of a candidate for member of the State Board of Education elected at-large or for member of the Council elected from a ward or for the recall of a member of the State Board of Education elected at-large or for the recall of a member of the Council elected from a ward, \$500;

(5) In the case of a contribution in support of a candidate for member of the State Board of Education elected from an election ward or for the recall of a member of the State Board of Education elected from an election ward or for an official of a political party, \$200; and

(6) In the case of a contribution in support of a candidate for a member of an Advisory Neighborhood Commission, \$25.

(b)(1) No person shall make any contribution in any one election for Chairman of the Council, each member of the Council, Mayor, Attorney General, and each member of the State Board of Education (including primary and general elections, but excluding special elections), which when combined with all other contributions made by that person in that election to candidates and political committees exceeds \$8,500.

(2) All contributions to a candidate's principal political committee shall be treated as contributions to the candidate and shall be subject to the contribution limitations contained in this section.

(c) In no case shall any person receive or make any contribution in legal tender in an amount of \$25 or more.

(d)(1) No person shall make contributions to any one political committee in any one election, including primary and general elections, but excluding special elections, which, in the aggregate, exceeds \$5,000.

(2) For the purposes of this subsection, the term "political committee" does not include an individual.

(e) No person shall make a contribution or cause a contribution to be made in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another person.

(f) Any expenditure made by any person advocating the election or defeat of any candidate for office which is not made at the request or suggestion of the candidate, any agent of the candidate, or any political committee authorized by the candidate to make expenditures or receive contributions for the candidate is not considered a contribution to or an expenditure by or on behalf of the candidate for the purposes of the limitations specified in this section.

(g) All contributions made by any person directly or indirectly to or for the benefit of a particular candidate or that candidate's political committee, which are in any way earmarked, encumbered, or otherwise directed through an intermediary or conduit to that candidate or political committee, shall be treated as contributions from that person to that candidate or political committee and shall be subject to the limitations established by this section.

(h)(1) No candidate or member of the immediate family of a candidate may make a loan or advance from his or her personal funds for use in connection with a campaign of that candidate for nomination for election, or for election, to a public office unless that loan or advance is evidenced by a written instrument fully disclosing the terms, conditions, and parts to the loan or advance. The amount of any loan or advance shall be included in computing and applying the limitations contained in this section only to the extent of the balance of the loan or advance that is unpaid at the time of determination.

(2) For the purposes of this subsection, the term "immediate family" means the candidate's spouse, parent, brother, sister, or child, and the spouse of a candidate's parent, brother, sister, or child.

(i) For the purposes of this subsection, the term "immediate family" means the candidate's spouse, parent, brother, sister, or child, and the spouse of a candidate's parent, brother, sister, or child.

(Apr. 27, 2012, D.C. Law 19-124, § 333, 59 DCR 1862; Dec. 13, 2013, D.C. Law 20-60, § 302(d), 60 DCR 15487.)

Section references. — This section is referenced in § 1-1162.31, § 1-1163.20, and § 1-1163.38.

Effect of amendments. — The 2013 amendment by D.C. Law 20-60 added (a)(1A); and substituted "for Chairman of the Council, each member of the Council, Mayor, Attorney General" for "for Mayor, Chairman of the Council, each member of the Council" in (b)(1).

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 3(d) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — See note to § 1-1162.26.

Editor's notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 302 of the act shall apply as of December 13, 2013.

PART E.

PROHIBITED ACTIVITIES AND ENFORCEMENT.

§ 1-1163.36. Prohibition on the use of District government resources for campaign-related activities.

(a) No resources of the District of Columbia government, including the expenditure of funds, the personal services of employees during their hours of work, and nonpersonal services, including supplies, materials, equipment, office space, facilities, and telephones and other utilities, shall be used to support or oppose any candidate for elected office, whether partisan or nonpartisan, or to support or oppose any initiative, referendum, or recall measure, including a charter amendment referendum conducted in accordance with § 1-203.03.

(b)(1) This section shall not prohibit the Chairman and members of the Council, the Mayor, the Attorney General, or the President and members of the State Board of Education from expressing their views on a District of Columbia election as part of their official duties.

(2) This subsection shall not be construed to authorize any member of the staff of the Chairman and members of the Council, the Mayor, the Attorney General, or the President and members of the State Board of Education, or any other employee of the executive or legislative branch to engage in any activity to support or oppose any candidate for elected office, whether partisan or nonpartisan, an initiative, referendum, or recall measure during their hours of work, or the use of any nonpersonal services, including supplies, materials, equipment, office space, facilities, telephones and other utilities, to support or oppose an initiative, referendum, or recall matter.

(Apr. 27, 2012, D.C. Law 19-124, § 336, 59 DCR 1862; Dec. 13, 2013, D.C. Law 20-60, § 302(e), 60 DCR 15487.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-60 substituted “the Chairman and members of the Council, the Mayor, the Attorney General” for “the Mayor, the Chairman and members of the Council” in (b)(1); and substituted “the Mayor, the Chairman and members of the Council” for “the Chairman and members of the Council, the Mayor, the Attorney General in (b)(2).

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 3(e) of the Election Code Conforming Emergency Act of 2013 (D.C. Act 20-143, July 31, 2013, 60 DCR 11799, 20 DCSTAT 1990).

Legislative history of Law 20-60. — See note to § 1-1162.26.

Editor’s notes. — Applicability of D.C. Law 20-60: Section 401(b) of 20-60 provided that § 302 of the act shall apply as of December 13, 2013.

CHAPTER 11B. PROHIBITION ON GOVERNMENT EMPLOYEE ENGAGEMENT IN POLITICAL ACTIVITY.

§ 1-1171.01. Definitions.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(a) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(a) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

§ 1-1171.02. Political activity authorized; prohibitions.

Section references. — This section is referenced in § 1-1171.05.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(b) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(b) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

§ 1-1171.03. Political activities on duty; prohibition.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(c) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(c) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

§ 1-1171.04. Enforcement.

Section references. — This section is referenced in § 1-1171.05.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(d) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(d) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

§ 1-1171.05. Criminal penalties.

Section references. — This section is referenced in § 1-1171.04.

Temporary legislation. — For temporary (225 days) repeal of this section, see § 2(e) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) repeal of this section, see § 2(e) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

§ 1-1171.06. Rules.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(f) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(f) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

§ 1-1171.07. Applicability.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(h) of the Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013 (D.C. Law 20-4, May 18, 2013, 60 DCR 4624, 20 DCSTAT 1268).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(h) of the Prohibition on Government Employee Engagement in Political Activity Emergency Amendment Act of 2013 (D.C. Act 20-25, March 7, 2013, 60 DCR 3986, 20 DCSTAT 485).

TITLE 2. GOVERNMENT ADMINISTRATION.

Chapter

12. Business and Economic Development.

CHAPTER 2. CONTRACTS.

Subchapter IX-A. Small, Local, and Disadvantaged Business Enterprise Development and Assistance.

PART D.

PROGRAMS FOR CERTIFIED BUSINESS ENTERPRISES.

Subpart 1. Certified business enterprises.

§ 2-218.31. Local business enterprises.

Section references. — This section is referenced in § 2-218.02 and § 2-218.39.

Temporary Amendment of Section.

For temporary (225 days) addition of provisions concerning Certified Business Enterprise compliance, see §§ 2 to 6 of the Certified Business Enterprise Compliance Temporary Amendment Act of 2013 (D.C. Law 20-13, July 23, 2013, 60 DCR 7601, 20 DCSTAT 1760).

Emergency legislation.

For temporary (90 days) Certified Business Enterprise compliance, see §§ 2 to 6 of the Certified Business Enterprise Compliance Emergency of 2013 (D.C. Act 20-62, April 30, 2013, 60 DCR 6403, 20 DCSTAT 1410).

CHAPTER 3A. GOVERNMENT PROCUREMENT.

Subchapter I. General Provisions.

§ 2-351.05. Application; exemptions.

Section references. — This section is referenced in § 2-352.01, § 2-360.03, § 38-1202.06, § 39-105, and § 50-921.02.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Permanent Supportive Housing Application Streamlining Temporary Amendment Act of 2013 (D.C. Law 20-6, June 22, 2013, 60 DCR 6388, 20 DCSTAT 1274).

For temporary (225 days) amendment of this section, see § 3 of the Health Benefit Exchange Authority Establishment Temporary Amendment Act of 2013 (D.C. Law 20-11, July 13, 2013, 60 DCR 7236, 20 DCSTAT 1757).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Permanent Supportive Housing Application Streamlining Emergency Act of 2013 (D.C. Act 20-43, March 26, 2013, 60 DCR 5379, 20 DCSTAT 544).

For temporary (90 days) amendment of this section, see § 3 of the Health Benefit Exchange Authority Establishment Emergency Amendment Act of 2013 (D.C. Act 20-49, April 15, 2013, 60 DCR 6337, 20 DCSTAT 1355).

For temporary (90 days) amendment of this section, see § 3 of the Health Benefit Exchange Authority Establishment Congressional Re-

view Emergency Act of 2013 (D.C. Act 20-125, July 26, 2013, 60 DCR 11136, 20 DCSTAT 1821).

Subchapter II. Procurement Organization.

§ 2-352.01. Office of Contracting and Procurement; authority.

Section references. — This section is referenced in § 2-351.04, § 2-351.05, § 2-354.11, § 2-1594, § 4-1303.03, § 7-1131.04, § 7-3005.01, § 22-4235, and § 31-3171.04.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 3(a) of the Tax Revision Commission Report Extension and Procurement Streamlining Temporary Amendment Act of 2013 (D.C. Law 20-5, May 18, 2013, 60 DCR 4667, 20 DCSTAT 1272).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 3(a) of the Tax Revision Commission Report Extension and Procurement Streamlining Emergency Act of 2013 (D.C. Act 20-19, March 1, 2013, 60 DCR 3974, 20 DCSTAT 476).

For temporary (90 days) amendment of this section, see § 3(a) of the Tax Revision Commission Report Extension and Procurement Streamlining Congressional Review Emergency Act of 2013 (D.C. Act 20-67, May 15, 2013, 60 DCR 7232, 20 DCSTAT 1417).

Subchapter IV. Source Selection and Contract Formation.

§ 2-354.07. Small purchase procurements.

Section references. — This section is referenced in § 2-354.01 and § 2-356.02.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 3(b) of the Tax Revision Commission Report Extension and Procurement Streamlining Temporary Amendment Act of 2013 (D.C. Law 20-5, May 18, 2013, 60 DCR 4667, 20 DCSTAT 1272).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 3(b)

of the Tax Revision Commission Report Extension and Procurement Streamlining Emergency Act of 2013 (D.C. Act 20-19, March 1, 2013, 60 DCR 3974, 20 DCSTAT 476).

For temporary (90 days) amendment of this section, see § 3(b) of the Tax Revision Commission Report Extension and Procurement Streamlining Congressional Review Emergency Act of 2013 (D.C. Act 20-67, May 15, 2013, 60 DCR 7232, 20 DCSTAT 1417).

CHAPTER 3B. OTHER PROCUREMENT MATTERS.

Subchapter I. Procurement Related Claims.

§ 2-381.09. Penalties for false representations.

Section references. — This section is referenced in § 2-308.21 and § 2-381.01.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 112(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 5. ADMINISTRATIVE PROCEDURE.

Subchapter I. Administrative Procedure.

§ 2-510. Judicial review.

Section references. — This section is referenced in § 2-1403.14, § 2-1831.16, § 3-410, § 3-511, § 3-606, § 3-1205.20, § 4-803, § 7-2045, § 8-113.10, § 8-1021, § 11-722, § 17-303, § 17-305, § 26-551.20, § 26-704, § 26-706.01, § 26-1204, § 26-1205, § 28-3905, § 31-714, § 31-903, § 31-2103, § 31-2231.23, § 31-2231.24, § 31-2403, § 31-3153, § 31-3931.20, § 31-5507, § 31-5608.03, § 32-414, § 32-509, § 32-756, § 32-1116, § 32-1117, § 32-1204, § 34-2305, § 41-127, § 42-3405.08, § 42-3405.09, § 44-414, § 44-607, § 44-1003.13, § 46-225.01, § 46-226.03, § 46-226.06, § 47-2853.23, § 48-108.01, § 50-1907, and § 50-2304.05.

CASE NOTES

Applied in *Padou v. D.C. Alcoholic Bev. Control Bd.*, 70 A.3d 208, 2013 D.C. App. LEXIS 151 (2013), appeal dismissed by 2013 D.C. App. LEXIS 244 (D.C. Mar. 5, 2013).

CHAPTER 12. BUSINESS AND ECONOMIC DEVELOPMENT.

Subchapter VIII. Business Improvement Districts

Part B

BID Formations.

Sec.
2-1215.54. Capitol Hill BID.

Subchapter VIII. Business Improvement Districts.

PART B.

BID FORMATIONS.

§ 2-1215.54. Capitol Hill BID.

(a) The formation of the Capitol Hill BID, which shall include all nonexempt real property within the geographic areas set forth in subsection (b) of this section, is hereby authorized and the BID taxes established in subsection (c) of this section are hereby imposed through the earlier of the expiration date of this subchapter or the termination or dissolution of the BID.

(b) The Capitol Hill BID shall be comprised of the following areas:

(1) The geographic area bounded by a line beginning at the intersection of the center line of 3rd Street, N.W., and Constitution Avenue, N.W.; continuing east along the center line of Constitution Avenue, N.W., to the center line of Louisiana Avenue, N.W.; continuing northeast along the center line of Louisi-

ana Avenue, N.W., to the center line of North Capitol Street; continuing north along the center line of North Capitol Street to the center line of Massachusetts Avenue; continuing southeast along the center line of Massachusetts Avenue, N.E., to the eastern edge of the sidewalk of 1st Street, N.E.; continuing north along the eastern edge of the sidewalk of 1st Street, N.E., to the center line of H Street, N.E.; continuing east on the center line of H Street, N.E., to the center line between 2nd Street, N.E., and 3rd Street, N.E.; continuing south along the center line between 2nd Street, N.E., and 3rd Street, N.E., to the center line between D Street, N.E., and E Street, N.E. (deviating, if necessary, so as to include alley properties and the Capitol Courts complex); continuing east along the center line between D Street, N.E., and E Street, N.E., to the center line of 4th Street, N.E.; continuing south along the center line of 4th Street, N.E., to the center line of D Street, N.E.; continuing east along the center line of D Street, N.E., to the center line between 6th Street, N.E., and 7th Street, N.E.; continuing south along the center line between 6th Street, N.E., and 7th Street, N.E., to the center line between C Street, N.E., and Constitution Avenue, N.E.; continuing west along the center line between C Street, N.E., and Constitution Avenue, N.E., to the center line between 3rd Street, N.E., and 4th Street, N.E. (having moved south along the center line of 6th Street, N.E., and north along the center line of 4th Street, N.E., so as to remain along the center line between C Street, N.E., and Constitution Avenue, N.E.); continuing south along the center line between 3rd Street, N.E., and 4th Street, N.E., to the center line between A Street, N.E., and East Capitol Street; continuing east along the center line between A Street, N.E., and East Capitol Street, to the center line between 5th Street, N.E., and 6th Street, N.E.; continuing south along the center line between 5th Street, N.E., and 6th Street, N.E., to the center line of East Capitol Street; continuing south along the center line between 5th Street, S.E., and 6th Street, S.E., to the center line between A Street, S.E., and East Capitol Street; continuing west along the center line between A Street, S.E., and East Capitol Street, to the center line between 3rd Street, S.E., and 4th Street, S.E.; continuing south along the center line between 3rd Street, S.E., and 4th Street, S.E., to the center line of Independence Avenue, S.E.; continuing east along the center line of Independence Avenue, S.E. to the center line of 4th Street, S.E.; continuing south along the center line of 4th Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing southwest along the center line of North Carolina Avenue, S.E., to the center line of 3rd Street, S.E. (that point being the intersection of 3rd Street, S.E., and D Street, S.E.); continuing west along the center line of D Street, S.E., to the center line of 2nd Street, S.E.; continuing south along the center line of 2nd Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing southwest along the center line of North Carolina Avenue, S.E., to the center line of E Street, S.E.; continuing west along the center line of E Street, S.E., to the center line of Canal Street, S.E.; continuing northwest along the center line of Canal Street, S.E., to the center line of South Capitol Street; continuing northwest along the center line of Washington Avenue, S.W. (the continuation of Canal Street) to the center line of Independence Avenue, S.W.; continuing west along the center line of Independence Avenue, S.W., to

the center line of 3rd Street, S.W.; continuing north along the center line of 3rd Street, S.W., and then along the center line of 3rd Street, N.W., to the center line of Constitution Avenue, N.W. (the beginning point);

(2)(A) Pennsylvania Avenue, S.E., from the center line of 4th Street, S.E., to the center line of 17th Street, S.E., (Barney Circle); and

(B) The lots abutting the section of Pennsylvania Avenue, S.E., set forth in subparagraph (A) of this paragraph;

(3)(A) D Street, S.E., from the center line of 7th Street, S.E., to the center line of 9th Street, S.E., and the lots abutting that section of D Street, S.E.; and

(B) The lots abutting the section of D Street, S.E., set forth in subparagraph (A) of this paragraph;

(4)(A) E Street, S.E., from the center line of 10th Street, S.E., to the center line of 12th Street, N.E.; and

(B) The lots abutting the section of E Street, S.E., set forth in subparagraph (A) of this paragraph;

(5)(A) G Street, S.E., from the center line of 13th Street, S.E., to the center line of 14th Street, S.E.; and

(B) The lots abutting the section of G Street, S.E., set forth in subparagraph (A) of this paragraph;

(6)(A) The portion of Potomac Avenue, S.E., north of its center line, from the center line of 13th Street, S.E., to the northern intersection of 13th Street, S.E., with the center line of Pennsylvania Avenue, S.E.; and

(B) The lots abutting the northern section of Potomac Avenue, S.E., set forth in subparagraph (A) of this paragraph;

(7) The geographic area bounded by a line beginning at the intersection of the center line of 6th Street, S.E., and the center line of Pennsylvania Avenue, S.E.; continuing north along the center line of 6th Street, S.E., to the center line of North Carolina Avenue, S.E.; continuing northeast along the center line of North Carolina Avenue, S.E., to the center line of 7th Street, S.E.; continuing north along the center line of 7th Street, S.E., to the center line between Independence Avenue, S.E., and A Street, S.E.; continuing east along the center line between Independence Avenue, S.E., and A Street, S.E., to the center line between 7th Street, N.E., and 8th Street, N.E.; continuing south along the center line between 7th Street, N.E., and 8th Street, N.E., to the center line of Pennsylvania Avenue, S.E.; continuing northwest along the center line of Pennsylvania Avenue, S.E., to the center line of 6th Street, S.E. (the beginning point); and

(8) The geographic area bounded by a line beginning at the intersection of the center line of 7th Street, S.E., and the center line of Pennsylvania Avenue, S.E.; continuing south along the center line of 7th Street, N.E., to the center line of I Street, S.E.; continuing east along the center line of I Street, S.E., to the center line between 8th Street, S.E., and 9th Street, S.E.; continuing north along the center line between 8th Street, S.E., and 9th Street, S.E., to the center line between E Street, S.E., and G Street, S.E.; continuing east along the center line between E Street, S.E., and G Street, S.E., to the center line between 10th Street, S.E., and 11th Street, S.E.; continuing south along the center line between 10th Street, S. E., and 11th Street, S.E., to the northern

border of the Southeast/Southwest Freeway; continuing east along the northern border of the Southeast/Southwest Freeway to the center line of 11th Street, S.E.; continuing north along the center line of 11th Street, S.E., to the center line of K Street, S.E.; continuing east along the center line of K Street, S.E., to the center line between 11th Street, S.E., and 12th Street, S.E.; continuing north along the center line between 11th Street, S.E., and 12th Street, S.E., to the center line of I Street, S.E.; continuing east along the center line of I Street, S.E., to the center line of 12th Street, S.E.; continuing north along the center line of 12th Street, S.E., to the center line of G Street, S.E.; continuing east along the center line of G Street, S.E., to the center line between 12th Street, S.E., and 13th Street, S.E.; continuing north along the center line between 12th Street, S.E., and 13th Street, S.E., to the center line of Pennsylvania Avenue, S.E.; continuing northwest along the center line of Pennsylvania Avenue, S.E., to the center line of 7th Street, S.E. (the beginning point).

(c)(1) The BID taxes for properties in the Capitol Hill BID shall be:

(A) Fifteen cents per \$100 of 90% of the assessed value of all nonexempt properties for which the District provides an integrated assessment of both the commercial and residential components; and

(B) Fifteen cents per \$100 of 100% of the assessed value of all nonexempt properties for which the District does not provide an integrated assessment of the commercial and residential components.

(2) Notwithstanding paragraph (1) of this subsection, the total BID tax due for tax year 2013 on a single tax lot or a group of functionally integrated contiguous tax lots under common ownership in the Capitol Hill BID shall not exceed \$75,000, with the amount to be allocated among the lots in proportion to their assessed values as determined by the Office of Tax and Revenue.

(3) Notwithstanding paragraph (1) of this subsection, the total BID tax due for tax years 2014 and thereafter on a single tax lot or a group of functionally integrated contiguous tax lots under common ownership in the Capitol Hill BID shall not exceed \$125,000 in any tax year, with the amount to be allocated among the lots in proportion to their assessed values as determined by the Office of Tax and Revenue.

(May 29, 1996, D.C. Law 11-134, § 204, as added Mar. 17, 2005, D.C. Law 15-257, § 2(d), 52 DCR 1161; Apr. 7, 2006, D.C. Law 16-91, § 140(c), 52 DCR 10637; Oct. 17, 2013, D.C. Law 20-33, § 2, 60 DCR 11781.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-33 rewrote (c)(2), which read: "Notwithstanding paragraph (1) of this subsection, the total BID tax due on a property or distinct assembly of properties (if the property occupies more than one taxable lot) in the Capitol Hill BID shall not exceed \$75,000.00 in any year"; and added (c)(3).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Capitol Hill Business Improvement District

Emergency Act of 2013 (D.C. Act 20-144, July 31, 2013, 60 DCR 11803, 20 DCSTAT 1994).

Legislative history of Law 20-33. — Law 20-33, the "Capitol Hill Business Improvement District Amendment Act of 2013," was introduced in Council and assigned Bill No. 20-92. The Bill was adopted on first and second readings on June 26, 2013, and July 10, 2013, respectively. Signed by the Mayor on July 31, 2013, it was assigned Act No. 20-136 and transmitted to Congress for its review. D.C. Law 20-33 became effective on October 17, 2013.

CHAPTER 14. HUMAN RIGHTS.

Unit A. Human Rights Law.

Subchapter II. Prohibited Acts of Discrimination.

PART B.

EMPLOYMENT.

§ 2-1402.11. Prohibitions.

Section references. — This section is referenced in § 2-1401.02.

CASE NOTES

ANALYSIS

Reasonable accommodation.

Retaliation.

Weight and sufficiency of evidence.

—Prima facie showing, weight and sufficiency of evidence.

Reasonable accommodation.

Trial court did not err in granting the District of Columbia Department of Corrections (DOC) summary judgment in a former correctional officer's action alleging discrimination based on her disability in violation of the District of Columbia Human Rights Act because DOC provided the officer with an accommodation when, at her request, it placed her at the staff entrance, which would reduce, but not eliminate, her contact with inmates; DOC's implicit rejection of repeated breaks as an accommodation because they would be an undue hardship on the operation of a correctional officer's duty of vigilant attendance was irreproachable, and thus, the possibility of such breaks as a reasonable accommodation presented no triable issue of fact. *Hunt v. D.C.*, 66 A.3d 987, 2013 D.C. App. LEXIS 246 (2013).

Trial court did not err in granting the District of Columbia Department of Corrections (DOC) summary judgment in a former correctional officer's action alleging discrimination based on her disability in violation of the District of Columbia Human Rights Act because the officer did not raise a triable issue of whether DOC failed to accommodate her by transfer to a job away from the jail setting; DOC worked with the officer, at her request, to restructure her job at the jail to limit inmate contact as far as possible. *Hunt v. D.C.*, 66 A.3d 987, 2013 D.C. App. LEXIS 246 (2013).

Retaliation.

Defendant was granted summary judgment on a retaliation claim because plaintiff failed to produce any evidence suggesting that the complaining witnesses harbored retaliatory intent or that the investigation was simply a coverup for retaliation. *Burke v. Inter-Con Sec. Sys.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28802 (D.D.C. Mar. 4, 2013).

Weight and sufficiency of evidence.**— Prima facie showing, weight and sufficiency of evidence.**

Defendant was granted summary judgment because plaintiff failed to allege any actionable harm; plaintiff did not allege that his transfer resulted in a demotion in form or substance, or even a change, significant or otherwise, in his job responsibilities. *Burke v. Inter-Con Sec. Sys.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28802 (D.D.C. Mar. 4, 2013).

Defendant was granted summary judgment where (1) because the two individuals sought different types of reassignment, no inference of pretext could be drawn from the comparison; and (2) because the plaintiff had not submitted any evidence to suggest that defendants stated reasons for acting (plaintiff was temporarily suspended until it was clear that he did not pose a threat to other employees) were merely pretext. *Burke v. Inter-Con Sec. Sys.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28802 (D.D.C. Mar. 4, 2013).

Where an employer fired a 57-year-old female employee during a restructuring because allegedly the employee's expertise was not a good fit with its new business focus, the employee's age and sex discrimination claims survived because a reasonable jury could find the employer's

defense to be pretext for discrimination since, inter alia, the employer retained a 41-year-old male who in nearly all material respects was similarly situated, and the employer worked out an accommodation to split the retained

male's time and salary between practice groups. *Barnett v. Pa Consulting Group, Inc.*, 715 F.3d 354, 2013 U.S. App. LEXIS 9229 (D.C. Cir. 2013).

CHAPTER 15. YOUTH AFFAIRS.

Subchapter I-A. Department of Youth Rehabilitation Services.

§ 2-1515.02. Rules.

Section references. — This section is referenced in § 2-1515.03.

Emergency legislation.

For temporary (90 days) addition, of provisions concerning a juvenile drug screening and

drug treatment diversion plan, see § 513 of the Omnibus Criminal Code Amendments Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 18A. OFFICE OF ADMINISTRATIVE HEARINGS.

§ 2-1831.03. Jurisdiction of the Office and agency authority to review cases.

Section references. — This section is referenced in § 2-1831.16, § 22-3020.54, § 42-3502.04, and § 47-4312.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 et seq., or the findings that his property lacked a required waste-hauling arrangement because he checked a box "Admit with Explanation" on the notices; however, the no-

tices were ambiguous as to whether an "Admit" extended to, and thus resolved, the "same violation" issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner's challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep't of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

TITLE 3. DISTRICT OF COLUMBIA BOARDS AND COMMISSIONS.

CHAPTER 8. COUNCIL ON LAW ENFORCEMENT.

§ 3-801. Created; composition; duties; Chairman; meetings. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 514 of the Omnibus Criminal Code

Amendment Congressional Review Emergency

Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 9. CRIMINAL JUSTICE SUPERVISORY BOARD.

§ 3-901. Definitions. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency

Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-902. Findings; purpose. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency

Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-903. Criminal Justice Supervisory Board and Office of Criminal Justice Plans and Analysis; membership; staff. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency

Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-904. Meetings; quorums; committees; bylaws. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency

Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-905. Powers and duties. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency

Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-906. Reports. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-907. Authorization of funds. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 515 of the Omnibus Criminal Code

Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 12. HEALTH OCCUPATIONS BOARDS.

Subchapter V. Licensing, Registration, or Certification of Health Professionals.

§ 3-1205.24. Council approval of massage therapy regulations directed at licensed therapist facilities.

Emergency legislation. — For temporary (90 days) addition of this section, see § 502 of the Omnibus Criminal Code Amendment Con-

gressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 13A. MOTOR VEHICLE THEFT PREVENTION COMMISSION.

§ 3-1354. Powers of Commission.

Section references. — This section is referenced in § 3-1358.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 503(a) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-1357. Payments into Fund. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 503(b) of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 3-1358. Use of budget authority.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 503(c) of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

TITLE 4. PUBLIC CARE SYSTEMS.

Chapter

13. Child Abuse and Neglect.

CHAPTER 2. PUBLIC ASSISTANCE.

Subchapter V. Public Assistance Programs.

§ 4-205.52. Determination of amount of public assistance payments for assistance unit; standards of assistance enumerated.

Section references. — This section is referenced in § 4-204.07, § 4-205.10, § 4-205.11b, and § 4-205.78.

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2 of the Temporary Assistance for Needy Families Time Extension Temporary Amendment Act of 2013 (D.C. Law 20-7, June 22, 2013, 60 DCR 6397, 20 DCSTAT 1275).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2 of the Temporary Assistance for Needy Families Time Extension Emergency Act of 2013 (D.C. Act 20-26, March 14, 2013, 60 DCR 4614, 20 DCSTAT 489).

For temporary (90 days) amendment of this section, see § 2 of the Temporary Assistance for Needy Families Time Extension Congressional Review Emergency Act of 2013 (D.C. Act 20-86, June 19, 2013, 60 DCR 9540, 20 DCSTAT 1445).

§ 4-205.72a. POWER — Additional eligibility.

Section references. — This section is referenced in § 4-205.74.

Temporary legislation. — For temporary (225 days) amendment of section, see § 4 of the Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013 (D.C. Law 20-56, December 13, 2013, 60 DCR 15165).

Emergency legislation. — For temporary (90 days) amendment of this section, see §§ 4 and 6 of the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 (D.C. Act 20-180, October 4, 2013, 60 DCR 14949).

CHAPTER 2A. GRANDPARENT CAREGIVERS PILOT PROGRAM.

§ 4-251.03. Eligibility.

Section references. — This section is referenced in § 4-251.05.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2 of the Grandparent Caregivers Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-37, March 19, 2013, 60 DCR 4659, 20 DCSTAT 520).

CHAPTER 7A. SERVICES FOR HOMELESS INDIVIDUALS AND FAMILIES.

*Subchapter III. Continuum of Care.***§ 4-753.01. Continuum of Care for individuals and families who are homeless.**

Temporary legislation. — For temporary (225 days) establishment of the Center for Creative Non-Violence and District Government Task Force, see § 2 of the CCNV Task Force Temporary Act of 2013 (D.C. Law 20-45, December 5, 2013, 60 DCR 14959).

Emergency legislation. — For temporary (90 days) establishment of the Center for Cre-

ative Non-Violence and District Government Task Force, see § 2 of the CCNV Task Force Emergency Act of 2013 (D.C. Act 20-147, August 2, 2013, 60 DCR 11809, 20 DCSTAT 2000).

Section references. — This section is referenced in § 4-753.01a, § 4-753.04, and § 19-701.

§ 4-753.04. Fiscal years 2012 and 2013 rapid re-housing.**Temporary Addition of Section.**

For temporary (225 days) addition of D.C. Law 16-35, § 8c, concerning placement of first priority homeless families, see § 2 of the Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013 (D.C. Law 20-56, December 13, 2013, 60 DCR 15165).

Emergency legislation.

For temporary (90 days) addition of D.C. Law 16-35, § 8c, concerning placement of first priority homeless families for the 2012-2013 hypo-

thermia season, see § 2 of the Local Rent Supplement Program Voucher Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-12, February 20, 2013, 60 DCR 3960, 20 DCSTAT 466).

For temporary (90 day) addition of D.C. Law 16-35, § 8c, see §§ 2(a), 2(c), 3(a), and 3(c) of the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 (D.C. Act 20-180, October 4, 2013, 60 DCR 14949).

CHAPTER 13. CHILD ABUSE AND NEGLECT.

Subchapter II. Reports of Neglected Children

Sec.

4-1321.02. Persons required to make reports; procedure.

*Subchapter II. Reports of Neglected Children.***§ 4-1321.02. Persons required to make reports; procedure.**

(a) Notwithstanding § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, as defined in § 16-2301(9), shall immediately report or have a report made of such knowledge or suspicion to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(a-1) A person specified in subsection (b) of this section shall report to the Child and Family Services Agency any child who is age 5 through 13 years and

who has 10 or more days of unexcused absences within a school year, as that term is defined in § 38-201(4).

(a-2) Expired.

(b) Persons required to report such abuse or neglect shall include Child and Family Services Agency employees, agents, and contractors, and every physician, psychologist, medical examiner, dentist, chiropractor, registered nurse, licensed practical nurse, person involved in the care and treatment of patients, law-enforcement officer, humane officer of any agency charged with the enforcement of animal cruelty laws, school official, teacher, athletic coach, Department of Parks and Recreation employee, public housing resident manager, social service worker, day care worker, human trafficking counselor as defined in § 14-311(2), domestic violence counselor as defined in § 14-310(a)(2), and mental health professional as defined in § 7-1201.01(11). Such persons are not required to report when employed by a lawyer who is providing representation in a criminal, civil, including family law, or delinquency matter and the basis for the suspicion arises solely in the course of that representation. Whenever a person is required to report in his or her capacity as a member of the staff of a hospital, school, social agency or similar institution, he or she shall immediately notify the person in charge of the institution or his or her designated agent who shall then be required to make the report. The fact that such a notification has been made does not relieve the person who was originally required to report from his or her duty under subsection (a) of this section of having a report made promptly to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(c) In addition to those persons who are required to make a report, any other person may make a report to the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

(d) In addition to the requirements in subsections (a) and (b) of this section, any health professional licensed pursuant to Chapter 12 of Title 3, or a law enforcement officer, [or] humane officer of any agency charged with the enforcement of animal cruelty laws, except an undercover officer whose identity or investigation might be jeopardized, shall report immediately, in writing, to the Child and Family Services Agency, that the law enforcement officer or health professional has reasonable cause to believe that a child is abused as a result of inadequate care, control, or subsistence in the home environment due to exposure to drug-related activity. The report shall be in accordance with the provisions of § 4-1321.03.

(e) Notwithstanding § 14-307, any person specified in subsection (b) of this section who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been, or is in immediate danger of being, the victim of "sexual abuse" or "attempted sexual abuse" prohibited by Chapter 30 of Title 22 [§ 22-3001 et seq.]; or that the child was assisted, supported, caused, encouraged, commanded, enabled, induced, facilitated, or permitted to become a prostitute, as that term is defined in § 22-2701.01(3); or that the child has an injury caused by a bullet; or that the child has an injury caused by a knife or other sharp object which has been caused by other than accidental means, shall immediately report or have a

report made of such knowledge, information, or suspicion to the Metropolitan Police Department or the Child and Family Services Agency.

(f) A health professional licensed pursuant to Chapter 12 of Title 3 [§ 3-1201.01 et seq.], who in his or her own professional or official capacity knows that a child under 12 months of age is diagnosed as having a Fetal Alcohol Spectrum Disorder, shall immediately report or have a report made to the Child and Family Services Agency.

(g) A person who violates this section shall not be prosecuted under subchapter II-A of Chapter 30 of Title 22 [§ 22-3020.51 et seq.].

(Nov. 6, 1966, 80 Stat. 1354, Pub. L. 89-775, § 2; Sept. 23, 1977, D.C. Law 2-22, title I, § 103(c), 24 DCR 3341; Mar. 15, 1990, D.C. Law 8-87, § 2(a), 37 DCR 50; Mar. 2, 2007, D.C. Law 16-204, § 2, 53 DCR 9059; Apr. 24, 2007, D.C. Law 16-306, § 203(a), 53 DCR 8610; July 18, 2008, D.C. Law 17-198, § 3, 55 DCR 6283; Dec. 5, 2008, D.C. Law 17-281, § 102, 55 DCR 9186; Mar. 25, 2009, D.C. Law 17-353, §§ 173(a), 193, 240(b), 56 DCR 1117; Oct. 23, 2010, D.C. Law 18-239, § 202, 57 DCR 5405; Oct. 26, 2010, D.C. Law 18-242, § 2, 57 DCR 7555; July 13, 2012, D.C. Law 19-164, § 3, 59 DCR 6185; June 8, 2013, D.C. Law 19-315, § 2(a), 60 DCR 1702; Sept. 19, 2013, D.C. Law 20-17, § 302, 60 DCR 9839.)

Section references. — This section is referenced in § 3-1205.14, § 4-1301.06b, § 4-1451.06, § 16-1056, § 22-3020.52, § 38-203, and § 38-208.

Effect of amendments.

The 2013 amendment by D.C. Law 20-17 amended (a-2)(3) to read “This subsection shall expire September 19, 2013.”

Emergency legislation.

For temporary (90 days) amendment of this section, see §§ 301 and 302 of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — Law 20-17, the “Attendance Accountability Amendment Act of 2013”, was introduced in Council and assigned Bill No. 20-72. The Bill was adopted on first and second readings on May 7, 2013 and June 4, 2013, respectively. Signed by the Mayor on June 24, 2013, it was assigned

Act No. 20-94 and transmitted to Congress for its review. D.C. Law 20-17 became effective on September 19, 2013.

Editor’s notes. — Applicability of D.C. Law 18-242: Section 4 of D.C. Law 18-242 provided: “Sec. 4. Applicability.

“Section 2 shall apply as follows:

“(1) Subsection (a) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

“(2) Subsection (b) shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.”

The Budget Director of the Council of the District of Columbia determined, as of February 15, 2012, that the fiscal effect of section 2(a) and (b) of D.C. Law 18-242 had not been included in an approved budget and financial plan.

Section 4 of D.C. Law 18-242 was repealed by D.C. Law 20-17, § 301.

CHAPTER 17. ACCESS TO JUSTICE INITIATIVE PROGRAM.

Subchapter I. Definitions.

§ 4-1701.01. Definitions.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 504(a) of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Subchapter II. Access to Justice Initiative.

PART C.

POVERTY LAWYER LOAN REPAYMENT ASSISTANCE PROGRAM.

§ 4-1704.03. LRAP; participation eligibility.

Section references. — This section is referenced in § 4-1704.05 and § 4-1704.06.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 504(b) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

TITLE 5. POLICE, FIREFIGHTERS, MEDICAL EXAMINER, AND FORENSIC SCIENCES.

CHAPTER 1. METROPOLITAN POLICE.

Subchapter III. Personnel.

§ 5-105.04. Probation period.

Section references. — This section is referenced in § 1-632.03.

CASE NOTES

Due process.

Fact that a terminated police officer was not, as he alleged in his complaint, entitled to advance written notification of reasons for his termination did not defeat the officer's theory of liability; the district's motion to dismiss the

officer's claim based on a violation of the officer's Fifth Amendment right to due process was therefore subject to denial. *Evangelou v. D.C.*, 901 F. Supp. 2d 159, 2012 U.S. Dist. LEXIS 158322 (D.D.C. Nov. 5, 2012).

Subchapter IV. Metropolitan Police Department Application, Appointment, and Training Requirements.

§ 5-107.04. Duties of the Board.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 505 of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 3. FEDERAL LAW ENFORCEMENT OFFICER COOPERATION WITH
METROPOLITAN POLICE DEPARTMENT.

§ 5-301. Powers and duties of federal law enforcement
officers when making arrests for nonfederal
offenses.

Section references. — This section is referenced in § 5-302.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 4. FIRE AND EMERGENCY SERVICES DEPARTMENT.

Subchapter I. General.

§ 5-401. Area of service; division of District into fire companies; pre-hospital care and services; approval required for major changes in manner of fire protection.

Section references. — This section is referenced in § 5-401.01, § 7-2341.03, § 7-2341.07, and § 7-2341.23.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Fire and Emergency Medical Services Major Changes Temporary Amendment Act of 2013 (D.C. Law 20-42, Dec. 21, 2013, 60 DCR 14716).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Fire and Emergency Medical Services Major Changes Emergency Act of 2013 (D.C. Act 20-150, August 5, 2013, 60 DCR 11817, 20 DCSTAT 2002).

§ 5-405. Workweek established; hours of duty; days off duty; holidays.

Section references. — This section is referenced in § 1-632.03.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2 of the Fire and Emergency Medical Services Inaugural Overtime Clarification Emergency Act of 2013 (D.C. Act 20-20, March 1, 2013, 60 DCR 3976, 20 DCSTAT 478).

CHAPTER 7. POLICE AND FIREFIGHTERS RETIREMENT AND DISABILITY.

Subchapter I. Retirement and Disability, 1916.

§ 5-701. Definitions.

Section references. — This section is referenced in § 1-632.03, § 1-702, § 1-712, § 1-732, § 1-901.02, § 5-631, § 5-702, § 5-704, § 7-2203, § 10-505.03, and § 10-505.04.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(a) of the Police and Firefighter's Retirement and Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-704. Creditable service.

Section references. — This section is referenced in § 1-903.01, § 5-544.01, § 5-701, § 5-705, § 5-706, § 5-723.01, § 5-761, § 5-762, § 6-223, and § 10-505.05.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(b) of the Police and Firefighter's Retirement and Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-706. Deductions, deposits, and refunds; order of persons entitled to refunds for deductions.

Section references. — This section is referenced in § 1-712, § 1-903.01, § 5-704, § 5-717, and § 5-741.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(c) of the Police and Firefighter's Retirement and Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-712. Optional retirement.

Section references. — This section is referenced in § 5-105.05, § 5-704, § 5-706, § 5-716, and § 5-717.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(d) of the Police and Firefighter's Retirement and Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-716. Survivor benefits and annuities.

Section references. — This section is referenced in § 5-544.01, § 5-702, § 5-714, § 5-718, § 5-719, § 5-721, § 5-723.01, § 5-744, and § 5-747.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(e) of the Police and Firefighter's Retirement and Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-723.01. Maximum amount of benefits and contributions.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(f) of the Police and Firefighter's Retirement and Disability Omnibus Congress-

§ 5-723.03 POLICE, FIREFIGHTERS, AND MEDICAL EXAMINER

sional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-723.03. Required minimum distributions.

Section references. — This section is referenced in § 5-723.01.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(g) of

the Police and Firefighter's Retirement and Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-723.04. Disposition of forfeitures.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(g) of the Police and Firefighter's Retirement and

Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

§ 5-723.05. Funds not assignable or subject to execution.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(g) of the Police and Firefighter's Retirement and

Disability Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-33, March 19, 2013, 60 DCR 4630, 20 DCSTAT 493).

CHAPTER 14. CHIEF MEDICAL EXAMINER.

§ 5-1419. Impaired driving program; chemical testing.

Emergency legislation. — For temporary (90 days) addition of this section, see § 202 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 202 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

CHAPTER 15. DEPARTMENT OF FORENSIC SCIENCES.

§ 5-1501.07. Impaired driving program; certification and testing of breath alcohol equipment.

Section references. — This section is referenced in § 5-1419 and § 50-2206.52.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 201 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 5-1501.08. Transfer of personnel, records, functions, and authority.

Section references. — This section is referenced in § 5-1501.07.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 303 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 303 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 5-1501.11. Science Advisory Board.

Section references. — This section is referenced in § 1-523.01 and § 5-1501.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 507 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

TITLE 6. HOUSING AND BUILDING RESTRICTIONS AND REGULATIONS.

CHAPTER 3. HOUSING REDEVELOPMENT.

Subchapter III. Transfer to Agency of Certain Property near Maine Avenue.

§ 6-321.01. Authorized.

Section references. — This section is referenced in § 6-321.02, § 6-321.03, § 6-321.04, and § 6-321.06.

Emergency legislation. — For temporary (90 days) authorization of transfer by quitclaim

deed of Southwest Waterfront Project Site, see § 2 of the Southwest Waterfront Project Quitclaim Deed Authorization Emergency Act of 2013 (D.C. Act 20-106, July 12, 2013, 60 DCR 10600, 20 DCSTAT 1813).

CHAPTER 6. ZONING AND HEIGHT OF BUILDINGS.

Subchapter III. Zoning and Zoning Commission.

PART A.

ZONING COMMISSION ESTABLISHED.

§ 6-621.01. Zoning Commission — Created; composition; appointment; term of office; compensation; Chairman; powers generally.

Section references. — This section is referenced in § 1-315.02, § 1-523.01, § 6-641.01, § 6-641.03, § 6-641.06a, § 6-641.13, and § 6-641.14.

CASE NOTES

Findings required.

Case was remanded to the District of Columbia Zoning Commission so that it could fulfill its D.C. Code §§ 6-621.01(e) and 6-641.01 responsibilities and make supplemental findings and conclusions of law as it did not: (1) resolve a dispute regarding the Future Land Use Map designations, and determine whether the project was consistent with the District of Columbia Comprehensive Plan (Plan) as a whole in light of its resolution of that issue; (2) explain whether the proposal was consistent with the written Plan policies in the Land Use and

Upper Northeast Area Elements at UNE-1.1.1, LU-2.1.6, LU-2.1.8, LU-2.3.1, and with the portions of Plan policies in the in the Land Use and Upper Northeast Area Elements at UNE-2.6.1 and LU-1.3.1 omitted from its quotation of these policies; or (3) make findings regarding the Generalized Policy Map's designation of the property as a Neighborhood Conservation Area, and determine whether the developer's application was consistent with the Plan in light of that designation. *Durant v. D.C. Zoning Comm'n*, 65 A.3d 1161, 2013 D.C. App. LEXIS 263 (2013).

Subchapter IV. Zoning Regulations; Board of Zoning Adjustment.

§ 6-641.01. Zoning Commission — Regulations; districts or zones.

Section references. — This section is referenced in § 10-801.

CASE NOTES

Findings required.

Case was remanded to the District of Columbia Zoning Commission so that it could fulfill its D.C. Code §§ 6-621.01(e) and 6-641.01 responsibilities and make supplemental findings and conclusions of law as it did not: (1) resolve a dispute regarding the Future Land Use Map designations, and determine whether the project was consistent with the District of Colum-

bia Comprehensive Plan (Plan) as a whole in light of its resolution of that issue; (2) explain whether the proposal was consistent with the written Plan policies in the Land Use and Upper Northeast Area Elements at UNE-1.1.1, LU-2.1.6, LU-2.1.8, LU-2.3.1, and with the portions of Plan policies in the in the Land Use and Upper Northeast Area Elements at UNE-2.6.1 and LU-1.3.1 omitted from its quotation of

these policies; or (3) make findings regarding the Generalized Policy Map's designation of the property as a Neighborhood Conservation Area, and determine whether the developer's applica-

tion was consistent with the Plan in light of that designation. *Durant v. D.C. Zoning Comm'n*, 65 A.3d 1161, 2013 D.C. App. LEXIS 263 (2013).

CHAPTER 14. CONSTRUCTION CODES.

§ 6-1401. Definitions.

Section references. — This section is referenced in § 7-1710, § 7-2004, § 25-504, and § 47-2861.

Emergency legislation.

For temporary (90 days) addition of provi-

sions concerning new construction minimum standards of visitability for persons with disabilities, see §§ 2-12 of the Visitability Requirements Emergency Act of 2012 (D.C. Act 19-636, January 25, 2013, 60 DCR 2048).

TITLE 7. HUMAN HEALTH CARE AND SAFETY.

SUBTITLE A. GENERAL.

Chapter

2. Vital Records.

SUBTITLE G-II. USE OF MARIJUANA FOR MEDICAL TREATMENT.

16B. Use of Marijuana for Medical Treatment.

SUBTITLE H. TOBACCO SMOKING, SALES, DISTRIBUTION, REGULATION, AND SETTLEMENT.

17. Restrictions on Tobacco Smoking.

SUBTITLE A. GENERAL.

CHAPTER 2. VITAL RECORDS.

Sec.

7-205. Birth registration.

7-210. New certificates of birth for adoption and determination of parentage.

Sec.

7-210.01. New certificates of birth for change of gender designation.

7-217. Amendment.

§ 7-205. Birth registration.

(a) A certificate of birth for each live birth which occurs in the District shall be filed as directed by the Registrar, within 5 days after such birth, and shall be registered if it has been completed and filed in accordance with this chapter.

(b) When a birth occurs in or en route to an institution the person in charge of the institution or his or her designee shall collect the personal data, prepare

the certificate, secure the signatures required, and file the certificate. The physician or other person in attendance at or immediately after the birth shall provide the medical information required in the certificate and certify to the facts of birth within 72 hours after the birth. If the physician, or other person in attendance at or immediately after the birth, does not certify to the facts of birth within the 72-hour period, the person in charge of the institution or his or her designee shall certify to the facts of birth and complete the certificate.

(c) When a birth occurs outside an institution, the certificate shall be prepared and filed by one of the following persons in the indicated order of priority:

(1) The physician in attendance at the time of birth or in attendance immediately after the birth;

(2) Any other person in attendance at the time of birth or in attendance immediately after the birth; or

(3) The mother, the father, the spouse or domestic partner of the mother, or, in the absence of the father or the spouse or domestic partner of the mother, and the inability of the mother, the person in charge of the premises where the birth occurred.

(d) When a birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in the District, the birth shall be registered in the District, and the place where it is first removed shall be considered the place of birth. When a birth occurs on a moving conveyance while in international waters, air space, in a foreign country or its air space, and the child is first removed from the conveyance in the District, the birth shall be registered in the District, but the certificate shall show the actual place of birth insofar as can be determined.

(e) For the purposes of preparation and filing a birth certificate the following rules apply:

(1) The certificate shall include the name of the mother of the child;

(2) If the mother was married at the time of either conception or birth, or between conception and birth, the name of the spouse shall be entered on the certificate as a parent of the child, unless parentage has been determined otherwise by the Court pursuant to § 16-909;

(2A) If the mother was in a domestic partnership at the time of either conception or birth, or between conception and birth, the name of the domestic partner of the mother shall be entered on the certificate as a parent of the child, unless parentage has been determined otherwise by the Court pursuant to § 16-909;

(3) If the mother was not married or in a domestic partnership at the time of either conception or birth, or between conception and birth, the name of the other parent shall only be entered on the certificate if:

(A) The parents have signed a voluntary acknowledgment of paternity pursuant to § 16-909.1(a)(1) or pursuant to the laws and procedures of another state in which the voluntary acknowledgment was signed;

(B) The parents have signed a consent to parent a child born by artificial insemination pursuant to § 16-909(e) and paragraph (3A) of this subsection; or

(C) A court or administrative agency of competent jurisdiction has adjudicated as the other parent the person to be named as the other parent on the certificate.

(3A) For the purposes of the certificate, the consent to parent a child born by artificial insemination pursuant to § 16-909(e) shall be on a form prescribed and furnished by the Registrar that:

(A) Acknowledges consent by the mother and the intended parent to the insemination with the intent to be a parent of the child:

(B) Is signed under oath (which may include signature in the presence of a notary);

(C) Includes written notice that legal consequences, rights, and responsibilities as a parent arise from signing the consent; and

(D) Contains the full names, social security numbers, and dates of birth of the parents and child, the addresses of the parents, the birthplace of the child, and a statement indicating that both parents understand the rights, responsibilities, and consequences of signing the affidavit;

(4) If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate; and

(5) The surname of the child shall be the surname of a parent whose name appears on the child's birth certificate, or both surnames recorded in any order or in hyphenated or unhyphenated form, or any surname to which either parent has a familial connection. If the chosen surname is not that of a parent, or a combination of all or part of both surnames, either or both parents shall provide an affidavit stating that the chosen surname was or is the surname of a past or current relative or has some other clearly stated familial connection. Submission of an affidavit containing false information shall be punishable under § 7-225.

(f)(1) Either of the parents of the child, or other informant, shall confirm with his or her signature the accuracy of the personal data entered on the certificate before the certificate is filed.

(2) Any institutional error regarding the personal data on the certificate may be corrected within 90 days of issuance, and:

(A) A new certificate shall be issued;

(B) The new certificate shall not be marked amended; and

(C) The original, erroneous certificate shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.

(Oct. 8, 1981, D.C. Law 4-34, § 6, 28 DCR 3271; Apr. 3, 2001, D.C. Law 13-269, § 104(b), 48 DCR 1270; Apr. 11, 2003, D.C. Law 14-299, § 2(c), 50 DCR 388; July 18, 2008, D.C. Law 18-33, § 2(b), 56 DCR 4269; Nov. 5, 2013, D.C. Law 20-37, § 2(a), 60 DCR 12145.)

Section references. — This section is referenced in § 7-207, § 7-213, and § 16-2345.

Effect of amendments.

The 2013 amendment by D.C. Law 20-37 rewrote (f).

Legislative history of Law 20-37. — Law

20-37, the “JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-142. The Bill was adopted on first and second readings on June 26, 2013, and July 10, 2013, respectively. Signed by the Mayor on

August 6, 2013, it was assigned Act No. 20-153 Law 20-37 became effective on November 5, and transmitted to Congress for its review. D.C. 2013.

§ 7-210. New certificates of birth for adoption and determination of parentage.

(a) The Registrar shall establish a new certificate of birth for a person born in the District, upon receipt of one of the following documents:

- (1) An adoption form prepared according to § 7-209;
- (2) An adoption form prepared and filed according to the laws of a state or foreign country;
- (3) A certified copy of an order issued by the Court determining the parentage of such a person; or
- (4) A written acknowledgement of parentage of the person, pursuant to § 16-2345.

(a-1)(1) The Registrar shall establish a new certificate of birth for an adoptee born outside of the United States upon receipt of a request of the adoptive parent or the adoptee, if the adoptee is 18 years of age or older, and receipt of either:

- (A) An adoption form prepared according to § 7-209; or
- (B)(i) A copy of the foreign adoption decree;
- (ii) A certified translation of the foreign adoption decree; or if birth information is not already included in the foreign adoption decree, evidence as to the child's birth date and birthplace, which may be evidenced by:
 - (I) An original birth certificate;
 - (II) A post-adoption birth certificate issued by the foreign jurisdiction, including a certified copy, extract, or translation; or
 - (III) Other equivalent document, such as a record of the U.S. Citizenship and Immigration Services or the U.S. Department of State; and
 - (iii) Evidence of IR-3 immigrant visa status, or successor immigrant visa status, for the child by the U.S. Citizenship and Immigration Services.

(2) Following review by the Registrar, all adoption documents issued by the foreign jurisdiction shall be returned to the adoptive parent or adoptee, whichever is applicable.

(3) Subsections (f) and (g) of this section shall not apply to this subsection.

(b) The Registrar shall not establish a new certificate of birth if so requested by the adoptive parents pursuant to § 16-314(a).

(c) The actual place and date of birth shall be shown on a new certificate of birth. The new certificate shall be substituted for the original certificate of birth in the files. The new certificate shall nowhere on its face show that parentage has been established by judicial process or by acknowledgement. The original certificate of birth and the evidence of adoption, parentage determination, or parentage acknowledgement shall not be subject to inspection; except, that:

- (1) By the Registrar only for the purpose of properly administering the vital statistics program under this chapter; or
- (2) Upon order of the Court.

(d) A certificate of birth shall be amended upon receipt of an adoption form concerning an amended decree of adoption. The Registrar shall issue regulations to govern amendment of certificates of birth.

(e) The Registrar shall restore the original certificate of birth to its place in the files upon receipt of the report or decree of invalidation of adoption. The new certificate and evidence shall not be subject to inspection except upon order of the Court or as provided by regulations implementing this chapter.

(f) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this section, and the date and place of birth have not been determined in the adoption or parentage proceedings, a delayed certificate of birth shall be filed with the Registrar under § 7-207 or § 7-208 before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form.

(g) Each copy of the original certificate of birth shall be sealed from inspection when a new certificate of birth is established.

(Oct. 8, 1981, D.C. Law 4-34, § 11, 28 DCR 3271; May 21, 1992, D.C. Law 9-101, § 3, 39 DCR 2146; Mar. 2, 2007, D.C. Law 16-191, § 32, 53 DCR 6794; Sept. 24, 2010, D.C. Law 18-230, § 602, 57 DCR 6951; Nov. 5, 2013, D.C. Law 20-37, § 2(b), 60 DCR 12145.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-37 added “for adoption and determination of parentage” at the end of the section heading.

Legislative history of Law 20-37. — See

note to § 7-205.

§ 7-210.01. New certificates of birth for change of gender designation.

(a) The Registrar shall establish a new certificate of birth that reflects the new gender designation and, if applicable, the new name of an individual born in the District upon receipt of the following documents:

(1) A written request, signed under penalty of law, for a new certificate of birth with a gender designation that differs from the gender designated on the original certificate of birth, from the individual or, if the individual is a minor, the individual’s:

- (A) Parent;
- (B) Guardian; or
- (C) Legal representative;

(2) A statement, signed under the penalty of law, by a licensed healthcare provider who has treated or evaluated the individual, stating that:

(A) The individual has undergone surgical, hormonal, or other treatment appropriate for the individual for the purpose of gender transition, based on contemporary medical standards; or

(B) The individual has an intersex condition, and that in the healthcare provider’s professional opinion, the individual’s gender designation should be changed; and

(3) If a change of name listed on the certificate is also being requested, an original or certified copy of an order of a court of competent jurisdiction granting a change of name.

(b) The Registrar shall establish, upon request, a new certificate of birth reflecting the new gender designation, new name, or name as previously amended, in these additional circumstances:

(1) When an individual holds an amended certificate of birth issued before November 5, 2013, that reflects a previous name change and seeks a change of gender designation;

(2) When an individual, who is requesting a change of name, holds a certificate of birth previously issued pursuant to subsection (a) of this section that reflects a change in gender; or

(3) When an individual holds an amended certificate of birth issued before November 5, 2013, that reflects a previous change in gender designation.

(c) A new certificate of birth, issued in accordance with subsection (a) or (b) of this section, shall:

(1) Be substituted for the original certificate of birth; and

(2) Not be marked "amended" or on its face show that:

(A) A change in gender has been made;

(B) A change in name has been made; or

(C) Both.

(d) The original certificate of birth, along with any documents submitted pursuant to this section, shall be sealed and made available only upon the demand of the individual to whom the new certificate of birth was issued or an order of the Court.

(Oct. 8, 1981, D.C. Law 4-34, § 11a, as added Nov. 5, 2013, D.C. Law 20-37, § 2(c), 60 DCR 12145.)

Section references. — This section is referenced in § 16-2503.

Effect of amendments. — The 2013 amendment by D.C. Law 20-37 added this section.

Legislative history of Law 20-37. — See note to § 7-205.

§ 7-217. Amendment.

(a) The Registrar shall issue regulations governing amendment of vital records, which shall protect the integrity and accuracy of the vital records. A certificate, or report registered under this chapter may be amended only in accordance with this chapter and regulations issued under this chapter.

(b) Except as otherwise provided in this section, a certificate or report that is amended under this section shall be marked "amended". The date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the records. The Registrar shall issue regulations which prescribe the conditions under which additions or minor corrections may be made to certificates, or reports, within 1 year after the date of the event without the certificate or record being marked "amended".

(c) Upon receipt of a certified copy of an order of a court of competent jurisdiction changing the name of a person born in the District and upon request of such person, his or her guardian or legal representative, or, in the case of a minor, his or her parents, the Registrar shall amend the certificate of birth to show the new name.

(d) Repealed.

(e) The Registrar shall not amend the vital record if: (1) an applicant does not submit the minimum documentation required in the regulations for amending a vital record; or (2) when the Registrar has reasonable cause to question the validity or adequacy of the applicant's sworn statements or the documentary evidence, and the deficiencies are not corrected. The Registrar shall state in writing the reason for this action. Upon the Registrar's refusal to amend the vital record, the applicant shall have a cause of action in the Court to amend the vital record. The Registrar shall give the applicant written notice of this right.

(Oct. 8, 1981, D.C. Law 4-34, § 18, 28 DCR 3271; Mar. 14, 1985, D.C. Law 5-159, § 18, 32 DCR 30; Nov. 5, 2013, D.C. Law 20-37, § 2(d), 60 DCR 12145.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-37 repealed (d).

Legislative history of Law 20-37. — See note to § 7-205.

CHAPTER 7A. FUNCTIONS OF THE DEPARTMENT OF HEALTH.

Subchapter I. General Powers, Fees, and Funds.

§ 7-736.01. Grant authority.

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2 of the Department of Health Grant-Making Authority Temporary Amendment Act of 2013 (D.C. Law 20-10, July 13, 2013, 60 DCR 7234, 20 DCSTAT 1755).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Dept. of Health Grant Making Authority Emergency Act of 2013 (D.C. Act 20-53, April 17, 2013, 60 DCR 6386, 20 DCSTAT 1401).

SUBTITLE D. CITIZENS WITH INTELLECTUAL DISABILITIES.

CHAPTER 13. CITIZENS WITH INTELLECTUAL DISABILITIES.

Subchapter I. Statement of Purpose; Definitions.

§ 7-1301.02. Statement of purpose.

CASE NOTES

Contracts voidable.

District of Columbia's policy under D.C. Code § 7-1301.02(a)(1) is that residents with intellectual disabilities have all the civil and legal rights enjoyed by all other citizens; *Sullivan v. Flynn*, 20 D.C. (9 Mackey) 396 (1892), is overruled, and the voidable rule is adopted such

that a contract may be enforced despite one party's incapacity where the other party had no reason to know of the incapacity and has substantially performed, cannot recover his consideration or will otherwise suffer hardship. *Hernandez v. Banks*, 65 A.3d 59, 2013 D.C. App. LEXIS 250 (2013).

SUBTITLE G-II. USE OF MARIJUANA FOR MEDICAL TREATMENT.

CHAPTER 16B. USE OF MARIJUANA FOR MEDICAL TREATMENT.

Sec.

7-1671.06. Dispensaries and cultivation centers.

§ 7-1671.06. Dispensaries and cultivation centers.

(a) Notwithstanding any other District law, a dispensary may possess medical marijuana for the purpose of dispensing the medical marijuana to a qualifying patient or caregiver and may manufacture, purchase, possess, distribute, and use paraphernalia, in accordance with this chapter and the rules issued pursuant to § 7-1671.13.

(b) Notwithstanding any other District law, a cultivation center may cultivate and possess medical marijuana for the purpose of distribution to a dispensary and may manufacture, purchase, possess, and use paraphernalia in accordance with this chapter and the rules issued pursuant to § 7-1671.13.

(c) A dispensary may dispense medical marijuana and distribute paraphernalia to a qualifying patient or the qualifying patient's caregiver, and a qualifying patient or the qualifying patient's caregiver may obtain medical marijuana and paraphernalia from a dispensary, only if the qualifying patient is registered to receive medical marijuana from that dispensary.

(d)(1) Each dispensary and cultivation center shall be registered with the Mayor prior to manufacturing, cultivating, dispensing, possessing, or distrib-

uting medical marijuana, or manufacturing, possessing, using, or distributing paraphernalia.

(2)(A) No more than 5 dispensaries shall be registered to operate in the District; provided, that the Mayor may increase the number to as many as 8 by rulemaking to ensure that qualifying patients have adequate access to medical marijuana; provided further, that no more than 2 dispensaries shall be registered to operate within an election ward established by the Council in § 1-1041.03.

(B) The prohibition of no more than 2 dispensaries being registered to operate within an election ward set forth in subparagraph (A) of this paragraph shall apply to applications pending as of Dec. 13, 2013.

(C)(i) No more than one dispensary may be registered to operate in any election ward in which 5 or more cultivation centers have been registered to operate.

(ii) The prohibition of no more than one dispensary being registered to operate within an election ward in which 5 or more cultivation centers have been registered to operate set forth in sub-subparagraph (i) of this subparagraph shall apply to applications pending as of Dec. 13, 2013.

(3)(A) The number of cultivation centers that may be registered to operate in the District shall be determined by rulemaking; provided, that no more than 6 cultivation centers shall be registered to operate within an election ward established by the Council in § 1-1041.03.

(B) The prohibition of no more than 6 cultivation centers being registered to operate within an election ward set forth in subparagraph (A) of this paragraph shall apply to applications pending as of Dec. 13, 2013.

(e)(1) A dispensary may not dispense more than 2 ounces of medical marijuana in a 30-day period to a qualifying patient, either directly or through the qualifying patient's caregiver; provided, that the Mayor, through rulemaking, may increase the quantity of medical marijuana that may be dispensed to up to 4 ounces.

(2) A cultivation center shall not possess more than 95 living marijuana plants at any time.

(3) It shall be unlawful for a dispensary to dispense or possess more than the quantity of medical marijuana needed to support the number of qualifying patients or caregivers registered to receive medical marijuana at that dispensary, as determined by the Mayor pursuant to rules issued under § 7-1671.13; provided, that the Mayor may allow a dispensary to possess a higher quantity of medical marijuana in anticipation of additional qualifying patients or caregivers registering.

(f) No marijuana or paraphernalia at a dispensary or a cultivation center shall be visible from any public or other property.

(g) A dispensary or cultivation center shall not locate within any residential district or within 300 feet of a preschool, primary or secondary school, or recreation center.

(g-1)(1) A cultivation center shall not be located within a Retail Priority Area, as designated pursuant to § 2-1217.73, and as approved by the Council pursuant to the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194).

(2) Any applicant that had an application pending as of June 20, 2012, for a registration to operate a cultivation center within a Retail Priority Area as identified in paragraph (1) of this subsection, shall be allowed to modify the application within 180 days of May 1, 2013, without negatively affecting the current status of the application.

(h) Each dispensary and cultivation center shall:

(1) Be either a for-profit or nonprofit corporation incorporated within the District;

(2) Implement a security plan to prevent the theft or diversion of medical marijuana, including maintaining all medical marijuana in a secure, locked room that is accessible only by authorized persons; and

(3) Ensure that all of its employees receive training on compliance with District law, medical marijuana use, security, and theft prevention.

(i) Each dispensary shall regularly distribute to all qualifying patients and caregivers the educational materials regarding potential harmful drug interactions developed as part of the Program.

(j) No director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center who has access to the medical marijuana at the dispensary or cultivation center shall have:

(1) A felony conviction; or

(2) A misdemeanor conviction for a drug-related offense.

(k) A person found to have violated any provision in this chapter shall not be a director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center, and the registration identification card of the person shall be immediately revoked and the registration of the dispensary or cultivation center shall be suspended until the person is no longer a director, officer, member, incorporator, agent, or employee of the dispensary or cultivation center.

(Feb. 25, 2010, D.C. Law 13-315, § 7, as added July 27, 2010, D.C. Law 18-210, § 2, 57 DCR 4798; Dec. 13, 2013, D.C. Law 20-59, § 2, 60 DCR 15484.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-59 rewrote (d); and added (g-1).

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2 of the Medical Marijuana Cultivation Center Temporary Amendment Act of 2013 (D.C. Law 20-1, May 1, 2013, 60 DCR 3962, 20 DCSTAT 1262).

For temporary (225 days) amendment of this section, see § 2 of the Medical Marijuana Cultivation Center and Dispensary Location Restriction Temporary Amendment Act of 2013 (D.C. Law 20-2, May 18, 2013, 60 DCR 4620, 20 DCSTAT 1264).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Medical Marijuana Cultivation Center Emergency Amendment Act of 2013 (D.C. Act 20-4, January 29, 2013, 60 DCR 2790, 20 DCSTAT 438).

For temporary (90 days) amendment of this section, see § 2 of the Medical Marijuana Cultivation Center and Dispensary Location Restriction Emergency Act of 2013 (D.C. Act 20-18, March 1, 2013, 60 DCR 3972, 20 DCSTAT 474).

For temporary (90 days) amendment of this section, see § 2 of the Medical Marijuana Cultivation Center Congressional Review Emergency Act of 2013 (D.C. Act 20-61, April 27, 2013, 60 DCR 6401, 20 DCSTAT 1408).

Legislative history of Law 20-59. — Law 20-59, the “Medical Marijuana Cultivation Center Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-128. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Returned without the Mayor’s signature on October 21, 2013, it was assigned Act No. 20-206 and transmitted to Congress for its

review. D.C. Law 20-59 became effective on December 13, 2013.

SUBTITLE H. TOBACCO SMOKING, SALES, DISTRIBUTION, REGULATION, AND SETTLEMENT.

CHAPTER 17. RESTRICTIONS ON TOBACCO SMOKING.

Subchapter I. General

Sec.
7-1702. Definitions.
7-1703. Smoking restrictions.

Sec.
7-1704. "No Smoking" signs.
7-1706. Penalties.

Subchapter I. General.

§ 7-1702. Definitions.

For the purpose of this subchapter:

(1) "Educational facility" means any enclosed indoor area used primarily as a library or for instruction of enrolled students, including day care centers, nursery schools, elementary schools, and secondary schools, except smoking lounges or specific smoking areas approved by the principal or president of the school, college, or university pursuant to guidelines established by the Board of Education, in the case of a public school, or by the trustees or other governing body, in the case of a college, university, or private educational institution. The term "educational facility" shall include all enclosed indoor areas supportive of instruction, including, but not limited to, classrooms, cafeterias, study areas and libraries, but excluding faculty lounges and specific areas approved by the principal of a given school pursuant to guidelines established by the Superintendent of Schools or the head of such private institutions.

(2) "Health care facility" means any institution providing individual care or treatment of diseases or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, clinics, laboratories, nursing homes or homes for the aged or chronically ill, but excluding private medical offices.

(3) "Mayor" means the Mayor of the District of Columbia or his designated agent.

(4) "Person" means any individual, firm, partnership, association, corporation, company or organization of any kind, including a government agency to which the health and safety laws of the District of Columbia may be applied.

(4A) [Not funded].

(4B) [Not funded].

(5) "Restaurant" means a restaurant as defined in § 25-101(43), and any other establishments licensed by the District of Columbia in the business of preparing or serving food to the public. The term "restaurant" shall include

coffee shops, cafeterias, luncheonettes, eateries, and soda fountains. The term “restaurant” shall not include sidewalks, terraces, or space used by restaurants to provide outdoor facilities, nightclubs, or taverns.

(6) “Retail store” means any establishment whose primary purpose is to sell or offer for sale to consumers, not for resale, any goods, wares, merchandise or food for consumption off the premises, and all activities, operations and services connected therewith or incidental thereto. The term “retail store” shall not include separate areas of a retail store which are used as a restaurant.

(7) “Smoking” or “to smoke” means the act of puffing, having in one’s possession, holding or carrying a lighted or smoldering cigar, cigarette, pipe or smoking equipment of any kind or lighting a cigar, cigarette, pipe or smoking equipment of any kind.

(Sept. 28, 1979, D.C. Law 3-22, § 3, 26 DCR 390; Mar. 29, 1988, D.C. Law 7-100, § 2(b), 35 DCR 1182; Dec. 13, 2013, D.C. Law 20-48, § 2(a), 60 DCR 15145.)

Section references. — This section is referenced in § 7-1703.

Legislative history of Law 20-48. — Law 20-48, the “Smoking Restriction Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-95. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-187 and transmitted to Congress for its review. D.C. Law 20-48 became effective on December 13, 2013.

Editor’s notes. — Section 2(a) of D.C. Law 20-48 would have added definitions for “bus stop”, “playground”, and “public recreational facility”; and would have rewritten (7).

Applicability of D.C. Law 20-48: Section 4 of D.C. Law 20-48 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 7-1703. Smoking restrictions.

Smoking shall be prohibited in the following:

- (1) Any elevator, except in a single-family dwelling;
- (2) Any public selling area of a retail store, except in a tobacco shop or store primarily concerned with selling tobacco and smoking equipment;
- (3) Any public assembly or hearing room which is owned or leased by any branch, agency, or instrumentality of the District of Columbia government; this subsection shall not apply to the District of Columbia National Guard Armory or to the Robert F. Kennedy Memorial Stadium;
- (4) Any educational facility except as provided in § 7-1702(1);
- (5) While transporting passengers within the corporate limits of the District of Columbia, any passenger vehicle owned or operated by the District of Columbia government, or any passenger vehicle for hire regulated under § 47-2829, except that smoking with the prior consent of all occupants of the vehicle shall be permitted when the vehicle is a limousine;
- (6) Any area of a health care facility frequented by the general public, including hallways, waiting rooms and lobbies. The operator of a health care facility may designate separate areas as smoking areas.

(A) When a health care facility permits patients to smoke in bed space areas, such facility shall make a reasonable effort to determine a patient’s

individual nonsmoking or smoking preference and assign patients who are to be placed in bed space areas utilized by 2 or more patients to a bed space area with patients who have a similar smoking preference.

(B) Hospital staff, visitors and the general public shall not smoke in bed space areas utilized by nonsmoking patients. "No Smoking" signs shall be conspicuously posted in such bed space areas.

(7) Any restaurant except as permitted in § 7-1703.01.

(8) Any public or private workplace, except as provided in § 7-1703.02.

(9) [Not funded].

(10) [Not funded].

(Sept. 28, 1979, D.C. Law 3-22, § 4, 26 DCR 390; Mar. 29, 1988, D.C. Law 7-100, § 2(c), 35 DCR 1182; May 2, 1991, D.C. Law 8-262, § 2(a), 37 DCR 8434; Dec. 13, 2013, D.C. Law 20-48, § 2(b), 60 DCR 15145.)

Legislative history of Law 20-48. — See note to § 7-1702.

Editor's notes.

Section 2(b) of D.C. Law 20-48 would have added (9) and (10).

Applicability of D.C. Law 20-48: Section 4 of D.C. Law 20-48 provided that the act shall

apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 7-1704. "No Smoking" signs.

(a) In any place, elevator, or vehicle in which smoking is prohibited, the owner, manager, or person in charge of the place, elevator, or vehicle shall post or cause to be posted signs that read, "No Smoking Under Penalty of Law", "No Smoking Except in Smoking Areas", or "Smoking in Accordance With Employer's Smoking Policy Only". In any place, elevator, or vehicle where smoking is restricted, the sign shall include the following warning: "Smoking causes lung cancer, heart disease, emphysema, and may cause fetal injury, premature birth, and low birth weight in pregnant women." Signs posted shall clearly state the maximum fine for a violation of this subchapter. Signs shall be visible to the public at the entrance to the area and on the interior of the area in sufficient number in a manner that gives notice to the public of the applicable law.

(a-1) [Not funded].

(a-2) [Not funded].

(b) Where smoking is prohibited pursuant to this subchapter all signs posted shall include the internationally recognized no smoking symbol. Where smoking is restricted pursuant to this subchapter all signs posted shall include the internationally recognized smoking symbol.

(c) It shall be unlawful for any person to obscure, remove, deface, mutilate, or destroy any sign posted in accordance with the provisions of this subchapter.

(Sept. 28, 1979, D.C. Law 3-22, § 5, 26 DCR 390; Mar. 29, 1988, D.C. Law 7-100, § 2(e), 35 DCR 1182; May 2, 1991, D.C. Law 8-262, § 2(c), 37 DCR 8434; Mar. 17, 1993, D.C. Law 9-223, § 2, 40 DCR 590; Dec. 13, 2013, D.C. Law 20-48, § 2(c), 60 DCR 15145.)

Section references. — This section is referenced in § 7-742 and § 7-1706.

Legislative history of Law 20-48. — See note to § 7-1702.

Effect of amendments. — Section 2(c) of D.C. Law 20-48 would have added (a-1) and (a-2).

Editor's notes. — Applicability of D.C. Law

20-48: Section 4 of D.C. Law 20-48 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

§ 7-1706. Penalties.

(a) Any person who violates any provision of this subchapter, other than § 8 of D.C. Law 3-22, by:

(1) Smoking in a posted “No Smoking” area or defacing or removing a “No Smoking” sign, or failing to post warning signs as set forth in § 7-1704(a) shall, upon conviction, be punishable by a fine of not less than \$10 nor more than \$50 for a 1st offense; and not less than \$50 nor more than \$100 for each 2nd or subsequent offense; or

(2) Obscuring, removing, defacing, mutilating or destroying any sign posted in accordance with the provisions of this subchapter shall, upon conviction, be punishable by a fine of not more than \$300; or

(3) Failing to post or cause to be posted or to maintain “No Smoking” signs and by failing to warn a smoker observed to be smoking in violation of this subchapter to stop smoking, as required by this subchapter, shall, upon conviction, be punishable by a fine of not more than \$300. Each and every day that the violation continues shall constitute a separate offense, and the penalties provided for in this paragraph shall be applicable to each separate offense; provided, that such penalties shall not be levied against any employee or officer of any branch, agency or instrumentality of the District of Columbia government.

(b) The Mayor is authorized to establish procedures for the issuance of a citation to any person who violates this subchapter requiring the person to post collateral in accordance with § 16-704 to assure the person's appearance in the Superior Court of the District of Columbia to answer the citation, and such collateral may be forfeited in lieu of an appearance as the Court may direct.

(c) Issuances of citations pursuant to subsection (b) of this section shall not constitute arrests nor shall forfeitures of collateral pursuant to said subsection constitute convictions. Records which may be maintained in connection with the implementation of this section shall not constitute records of arrest under § 5-113.02, relating to arrest records, or paragraph (4) of § 5-113.01.

(d) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this subchapter, or any rules or regulations issued under the authority of this subchapter, pursuant to § 2-1801.01 et seq. Adjudication of any infraction of this subchapter shall be pursuant to § 2-1801.01 et seq.

(Sept. 28, 1979, D.C. Law 3-22, § 7, 26 DCR 390; Oct. 5, 1985, D.C. Law 6-42, § 411, 32 DCR 4450; Mar. 29, 1988, D.C. Law 7-100, § 2(g), 35 DCR 1182; May 2, 1991, D.C. Law 8-262, § 2(d), 37 DCR 8434; Dec. 13, 2013, D.C. Law 20-48, § 2(d), 60 DCR 15145.)

Legislative history of Law 20-48. — See note to § 7-1702.

Editor's notes. — Section 2(d) of D.C. Law 20-48 would have added "Civil" in the section heading; and would have rewritten the section to read as follows:

"A person who violates a provision of § 7-1703, § 7-1703.01, § 7-1703.02, § 7-1703.03, § 7-1703.04, § 7-1703.04, or § 7-1703.05, by:

"(1) Smoking in a posted 'No Smoking' area or defacing or removing a 'No Smoking' sign, or failing to post warning signs as set forth in section 5(a) shall be assessed a civil fine of no less than \$10 nor more than \$50 for the 1st violation; and no less than \$50 nor more than \$100 for each 2nd or subsequent violation; or

"(2) Obscuring, removing, defacing, mutilating, or destroying a sign posted in accordance with the provisions of this act shall be assessed a civil fine of no more than \$300; or

"(3) Failing to post or cause to be posted or to

maintain "No Smoking" signs and by failing to warn a smoker observed to be smoking in violation of this act to stop smoking, as required by this act, shall be assessed a civil fine of no more than \$300. Each and every day that the violation continues shall constitute a separate violation, and the civil penalties provided for in this paragraph shall be applicable to each separate offense; provided, that such civil penalties shall not be levied against an employee or officer of a branch, agency, or instrumentality of the District government."

Applicability of D.C. Law 20-48: Section 4 of D.C. Law 20-48 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

SUBTITLE J. PUBLIC SAFETY.

CHAPTER 22. HOMELAND SECURITY.

Subchapter II. District of Columbia Homeland Security Commission.

§ 7-2271.02. Establishment of District of Columbia Homeland Security Commission; membership.

Section references. — This section is referenced in § 1-523.01 and § 7-2271.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 508 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 25. FIREARMS CONTROL.

Unit A. Firearms Control Regulations.

Subchapter I. Definitions.

§ 7-2501.01. Definitions.

Section references. — This section is referenced in § 7-2502.13, § 7-2507.06a, § 7-

2531.01, § 7-2551.01, § 16-2301, § 16-2333, § 22-4501, and § 42-3101.

CASE NOTES

Applied in *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

Subchapter II. Firearms and Destructive Devices.

§ 7-2502.12. Definition of self-defense sprays.

Section references. — This section is referenced in § 7-2502.13.

CASE NOTES

Applied in *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

§ 7-2502.13. Possession of self-defense sprays.

CASE NOTES

Applied in *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

§ 7-2502.14. Registration of self-defense sprays.

CASE NOTES

Applied in *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

Subchapter VII. Miscellaneous Provisions.

§ 7-2507.06. Penalties.

Section references. — This section is referenced in § 7-2502.03, § 7-2502.08, § 7-2503.01, § 7-2507.02, and § 7-2507.08.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 410 and 501(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 8. ENVIRONMENTAL AND ANIMAL CONTROL AND PROTECTION.

SUBTITLE A. ENVIRONMENTAL CONTROL AND PROTECTION.

CHAPTER 1. ENVIRONMENTAL CONTROLS.

Subchapter I. Air Pollution Control.

§ 8-101.06. Rules.

CASE NOTES

Applied in District of Columbia Dep't of the Env't v. E. Capitol Exxon, 64 A.3d 878, 2013 D.C. App. LEXIS 169 (2013).

Subchapter III-B. District of Columbia Flood Assistance Fund.

§ 8-105.74. Applicability.

Temporary Repeal of Section.

For temporary (225 days) repeal of this section, see § 5 of the Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013 (D.C. Law 20-14, September 19, 2013, 60 DCR 9554, 20 DCSTAT 1764).

Emergency legislation.

For temporary (90 days) repeal of this section, see § 5 of the Fiscal Year 2013 Revised Budget Request Emergency Adjustment Act of 2013 (D.C. Act 20-74, May 23, 2013, 60 DCR 7592, 20 DCSTAT 1424).

Subchapter VI. Asbestos Licensing and Control.

§ 8-111.09. Criminal action.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 113(a) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 1A. DISTRICT DEPARTMENT OF THE ENVIRONMENT.

Subchapter I. General.

§ 8-151.03. District Department of the Environment; establishment; transfers.

Section references. — This section is referenced in § 8-152.01, § 8-152.02, and § 8-152.05.

CASE NOTES

ANALYSIS

Construction.
Standard of review.

Construction.

The District of Columbia Council has established the District of Columbia Department of the Environment to consolidate the administration and oversight of environmental laws, regulations, and programs into a single agency, D.C. Code § 8-151.03(a) (2008), and has expressly delegated to it the interpretive authority of all District of Columbia laws, rules, regulations, and standards relating to the environment. D.C. Code § 8-151.03(b)(1)(B)(iii). The District of Columbia Court of Appeals affords deference to an agency's interpretation of the statute and regulations it is charged by the District of Columbia Legislature to administer, unless its interpretation is unreasonable or is inconsistent with

the statutory language or purpose. This deference stems from the agency's presumed expertise in construing the statute it administers. When the construction of an administrative regulation rather than a statute is in issue, deference is even more clearly in order. District of Columbia Dep't of the Env't v. E. Capitol Exxon, 64 A.3d 878, 2013 D.C. App. LEXIS 169 (2013).

Standard of review.

Reversal and remand of an order by the District of Columbia Office of Administrative Hearings (OAH) for further consideration by the OAH was appropriate because the OAH failed to apply the proper deference, pursuant to D.C. Code § 8-51.03(b)(1)(B)(iii), to the District of Columbia Department of the Environment's interpretations of its authorizing statutes and regulations. District of Columbia Dep't of the Env't v. E. Capitol Exxon, 64 A.3d 878, 2013 D.C. App. LEXIS 169 (2013).

SUBTITLE B. WASTE DISPOSAL AND MANAGEMENT.

CHAPTER 8. LITTER CONTROL ADMINISTRATION.

§ 8-801. Purpose of chapter.

Section references. — This section is referenced in § 1-303.23, § 47-2829, and § 47-2862.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 et seq. or the findings that his property lacked a required waste-hauling arrangement because he checked a box "Admit with Explanation" on the notices; however, the notices were ambiguous as

to whether an "Admit" extended to, and thus resolved, the "same violation" issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner's challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep't of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

§ 8-802. Enforcement of regulations.

Section references. — This section is referenced in § 2-1831.03, § 8-803, § 8-807, § 8-808, § 8-811, § 8-812, and § 8-902.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 et seq., or the findings that his property lacked a required waste-hauling arrangement because he checked a box "Admit with Explanation" on the notices; however, the no-

tices were ambiguous as to whether an "Admit" extended to, and thus resolved, the "same violation" issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner's challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep't of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

§ 8-804. Response to notice of violation.

Section references. — This section is referenced in § 8-802 and § 8-807.

CASE NOTES

Owner precluded from contesting violations.

Owner was precluded from contesting, before the administration law judge (ALJ) and the appellate court, the existence of uncontainerized waste violations under the Litter Control Administration Act, D.C. Code Ann. § 8-801 et seq., or the findings that his property lacked a required waste-hauling arrangement because he checked a box "Admit with Explanation" on the notices; however, the no-

tices were ambiguous as to whether an "Admit" extended to, and thus resolved, the "same violation" issue, the conclusion that, in admitting two violations, the owner admitted the same violations within 60 days was rejected, and a double fine for one violation was not warranted on the record. It was appropriate for the ALJ to rule initially on the owner's challenges to service of process in his motion for reconsideration. *Williams v. D.C. Dep't of Pub. Works*, 65 A.3d 100, 2013 D.C. App. LEXIS 249 (2013).

SUBTITLE E. ANIMAL CONTROL AND PROTECTION.

CHAPTER 19. DANGEROUS DOGS.

§ 8-1906. Penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 113(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 9. TRANSPORTATION SYSTEMS.

SUBTITLE I. HIGHWAYS, BRIDGES, STREETS, AND ALLEYS.

CHAPTER 2. STREET AND ALLEY CLOSING AND ACQUISITION PROCEDURES.

Unit A. Street and Alley Closings.

Subchapter II. Street and Alley Closing Procedures.

§ 9-202.01. Authority of the Council.

Section references. — This section is referenced in § 6-101.02.

Editor's notes.

Section 2 of D.C. Law 20-28 provided that the Council finds that the portion of Akron Place, S.E., abutting Squares 5641 and N- 5641, in Ward 7, as shown on the Surveyor's plat filed under S.O. 07-2117, is unnecessary for street purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat, S.O. 07-2117.

Section 3 of D.C. Law 20-28 provided that the Council finds that the portion of the public alley in Squares 5641 and N- 5641, in Ward 7, as shown on the Surveyor's plat filed under S.O.

07-2117, is unnecessary for alley purposes and orders it closed, with the title to the land to vest as shown on the Surveyor's plat, S.O. 07-2117.

Section 2 of D.C. Law 20-35 provided that the Council finds that the T-shaped public alley in Square 77, in Ward 2, as shown on the Surveyor's plat filed under S.O. 12-6036, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat.

Section 3 of D.C. Law 20-35 provided that the Secretary to the Council shall transmit a copy of this act, upon its effective date, to the Office of the Surveyor and the Office of the Recorder of Deeds.

Subchapter IV. Public Space Names and Commemorative Works.

PART A.

NAMING OF PUBLIC SPACE.

§ 9-204.01. Scope of Council's authority.

Section references. — This section is referenced in § 1-301.01, § 9-204.16, § 9-204.17, § 9-204.19, and § 10-1805.

Editor's notes.

Delta Sigma Theta Way: Section 2 of D.C. Law 20-29 and D.C. Act 20-126 provided that the Council symbolically designates the 1700 block of New Hampshire Ave, N.W., in Ward 2, as "Delta Sigma Theta Way".

Atlas Court: Section 2 of D.C. Law 20-30

provided that the Council designates the alley in Square 981 bordered by the 1100 blocks of H Street, N.E., and I Street, N.E., and the 800 blocks of 11th Street, N.E., and 12th Street, N.E., as "Atlas Court".

Dimitar Peshev Plaza: Section 2 of D.C. Law 20-32 provided that the Council symbolically designates the intersection of 22nd and R Streets, N.W., in Ward 2, as "Dimitar Peshev Plaza".

SUBTITLE III. NATIONAL CAPITAL REGION
TRANSPORTATION.

CHAPTER 11. NATIONAL CAPITAL REGION TRANSPORTATION.

*Subchapter IV-B. Appointment of Board of Directors of the
Metropolitan Area Transit Authority.*

§ 9-1108.11. Requirements for appointment and service on
the Board of Directors of the Washington Met-
ropolitan Area Transit Authority.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Washington Metropolitan Area Transit Authority Board of Directors Temporary Amendment Act of 2013 (D.C. Law 20-39, Nov. 5, 2013, 60 DCR 12151).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Washington Metropolitan Area Transit Authority Board of Directors Emergency Act of 2013 (D.C. Act 20-105, July 9, 2013, 60 DCR 10598, 20 DCSTAT 1812).

TITLE 10. PARKS, PUBLIC BUILDINGS, GROUNDS, AND SPACE.

SUBTITLE III. USE OF PUBLIC SPACE.

Chapter

11. Rental and Utilization of Public Space.

SUBTITLE II. PUBLIC BUILDINGS AND GROUNDS.

CHAPTER 5. REGULATORY PROVISIONS.

Subchapter II. Capitol Grounds.

PART B.

GENERAL.

§ 10-503.17. Parades, assemblages, and displays forbidden.

Section references. — This section is referenced in § 10-503.18 and § 10-503.23.

CASE NOTES

Construction with other law.

Given that 40 U.S.C.S. § 6135 was rooted directly in the Capitol Grounds statute, 40 U.S.C.S. § 193g (restated at 40 U.S.C.S. § 5104), which was ruled unconstitutional but is currently found at D.C. Code § 10-503.17, and was relevant to a constitutional challenge

to § 6135, the court took judicial notice of that history because the facts could be accurately and readily determined from sources whose accuracy could not reasonably be questioned, pursuant to Fed. R. Evid. 201(b)(2). *Hodge v. Talkin*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 81727 (D.D.C. June 11, 2013).

CHAPTER 8. SALE OF PUBLIC LANDS.

Subchapter I. General.

§ 10-801. Authorization; description of property; submission and approval of resolution; reacquisition rights; notice.

Section references. — This section is referenced in § 2-351.05, § 2-1217.151, § 6-1005,

§ 10-901, § 10-1904, § 10-1905, § 16-1332, and § 24-261.05.

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Justice Park Property Temporary Approval Act of 2013 (D.C. Law 20-19, October 3, 2013, 60 DCR 10874).

For temporary (225 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Hine Junior High School Temporary Amendment Act of 2013 (D.C. Law 20-41, December 5, 2013, 60 DCR 14714).

Emergency legislation.

For temporary (90 days) extension of time to dispose of Eastern Avenue property, see § 2 of the Extension of Time to Dispose of Eastern Avenue Property Congressional Review Emergency Act of 2013 (D.C. Act 20-10, February 20, 2013, 60 DCR 3956, 20 DCSTAT 462).

For temporary (90 days) extension of time to dispose of Strand Theater property, see § 2 of

the Extension of Time to Dispose of the Strand Theater Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-11, February 20, 2013, 60 DCR 3958, 20 DCSTAT 464).

For temporary (90 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Justice Park Property Emergency Amendment Act of 2013 (D.C. Act 20-66, May 15, 2013, 60 DCR 7230, 20 DCSTAT 1416).

For temporary (90 days) amendment of this section, see § 2 of the Extension of Time to Dispose of Hine Junior High School Emergency Amendment Act of 2013 (D.C. Act 20-113, July 23, 2013, 60 DCR 11104, 20 DCSTAT 1814).

For temporary (90 days) amendment of this section, see § 2 of the Extension of Time to Dispose of the Strand Theater Emergency Amendment Act of 2013 (D.C. Act 20-205, October 17, 2013, 60 DCR 15482).

SUBTITLE III. USE OF PUBLIC SPACE.

CHAPTER 11. RENTAL AND UTILIZATION OF PUBLIC SPACE.

Subchapter III. Rental of Public Structures in Public Space

Sec.

lic space, public rights of way, and public structures.

Sec.

10-1141.03. Permits for the occupation of pub-

10-1141.04. Rulemaking.

Subchapter III. Rental of Public Structures in Public Space.

§ 10-1141.03. Permits for the occupation of public space, public rights of way, and public structures.

(a) The Mayor may issue permits to occupy or otherwise use public rights of way, public space, and public structures pursuant to this subchapter for any purpose, including the use of the foregoing for conduits, including conduits which occupy public space, or a public right of way on April 9, 1997.

(b) The Mayor may issue permits to occupy public space, public rights of way, and public structures pursuant to this subchapter without regard to whether the permittee owns the property abutting the public space, public right of way, or public structure which is the subject of the permit. The permits shall be subject to the terms and conditions set forth in any agreement entered into by the Mayor and the permittee to carry out the purposes of this subchapter, and to any regulations promulgated pursuant to this subchapter.

(c) The Mayor may revoke any permit issued pursuant to this subchapter at any time. In the event the Mayor requires any permittee to vacate all or any part of any public space, public right of way, or public structure for which a permit charge has been paid, the Mayor shall refund as much of the prepaid charge as may represent that portion of the permit which has been revoked.

(d) Public space, public rights of way, and public structures which are the subject of a permit issued pursuant to this subchapter may be leased or subleased only with the express consent of the Mayor.

(e) Upon the expiration or revocation of any permit issued pursuant to this subchapter, the Mayor may require, at the expense of the permittee, the immediate removal of any apparatus, structure, or device affixed or erected in public space or on a public right of way, or on a public structure, and the restoration of the public space, public right of way, or public structure to its condition prior to the issuance of the permit. If the permittee does not comply with the requirements of this section, the Mayor may remove any of the permittee's property and the cost of such removal shall be borne by the permittee.

(f) The Mayor shall require permittees blocking a sidewalk, bicycle lane, or other pedestrian or bicycle path to provide a safe accommodation for pedestrians and bicyclists.

(Apr. 9, 1997, D.C. Law 11-198, § 603, 43 DCR 4569; Dec. 13, 2013, D.C. Law 20-49, § 3(a), 60 DCR 15148.)

Section references. — This section is referenced in § 10-1141.02, § 10-1141.04, and § 39-501.04.

Effect of amendments. — The 2013 amendment by D.C. Law 20-49 added (f).

Legislative history of Law 20-49. — Law 20-49, the "Bicycle Safety Amendment Act of 2013," was introduced in Council and assigned

Bill No. 20-140. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-188 and transmitted to Congress for its review. D.C. Law 20-49 became effective on December 13, 2013.

§ 10-1141.04. Rulemaking.

The Mayor shall issue regulations to implement this subchapter. These regulations shall:

(1) Provide for a nonrefundable application fee to be paid by any party applying for a permit pursuant to this subchapter. The fee shall be set in an amount to recoup some or all of the costs to the District of Columbia for reviewing the application;

(2) Provide for the payment of a nondiscriminatory, fair, and equitable charge for any permit issued in accordance with this subchapter. The Mayor may allow a permittee to pay a fixed charge for a set period of time, pay an amount based upon the amount of the public right of way or public space used or occupied, pay an amount based upon a revenue sharing formula, or provide in-kind services to the District in lieu of a monetary payment, or the Mayor may require a permittee to pay a combination of these items. The regulations may also provide for interest to be charged on late payments of any charges imposed pursuant to this subchapter;

(3) Generally establish categories of use and the extent to which public space, public rights of way, and public structures may be used;

(4) Establish and regulate the process through which any impact, modification, or damage to the public space, public-rights-of-way, or public structures may be compensated, which may include the establishment of user fees,

including impact and other direct-use fees, charges, and penalties. The regulations shall include provisions governing the appropriate bonding and insurance requirements which must be satisfied by any party who receives a permit issued pursuant to this subchapter, and shall provide for any permittee to provide comprehensive indemnification to the District for any costs or damages which it incurs as a result of actions taken by the permittee in connection with the exercise of any rights or privileges granted in any permit issued pursuant to this subchapter;

(5) Provide for the payment of a technology charge or other surcharge to be added to the fee for each permit issued under § 10-1141.03;

(6) Treat the blockage of a sidewalk, bicycle lane, or other pedestrian or bicycle path the same as the closure of a lane of traffic, and in these cases apply similar regulations as that of a closure of a lane of traffic for each permit issued under § 10-1141.03;

(7) Define “safe accommodation,” as it appears in paragraph (8) of this section and in § 10-1141.03, in consultation with the Bicycle Advisory Council and the Pedestrian Advisory Council, which definition shall apply to all permittees and shall ensure the safe and expedient passage of pedestrians and bicyclists; and

(8) Require permittees to submit for approval by the Mayor a traffic management plan that addresses safe accommodation for pedestrians and bicyclists before the issuance of a permit by the Mayor under § 10-1141.03.

(Apr. 9, 1997, D.C. Law 11-198, § 604, 43 DCR 4569; Oct. 19, 2000, D.C. Law 13-172, § 504, 47 DCR 6308; Nov. 13, 2003, D.C. Law 15-39, § 624, 50 DCR 5668; Mar. 13, 2004, D.C. Law 15-105, § 6(a), 51 DCR 881; Sept. 24, 2010, D.C. Law 18-223, § 6012, 57 DCR 6242; Dec. 13, 2013, D.C. Law 20-49, § 3(b), 60 DCR 15148.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-49 added (6), (7) and (8); and made related changes.

Legislative history of Law 20-49. — See note to § 10-1141.03.

TITLE 11. ORGANIZATION AND JURISDICTION OF THE COURTS.

CHAPTER 17. ADMINISTRATION OF DISTRICT OF COLUMBIA COURTS.

Subchapter II. Court Personnel.

§ 11-1732. Magistrate judges.

Section references. — This section is referenced in § 11-1732A.

CASE NOTES

Review.

Mother's motion for review of a neglect finding by the Superior Court was untimely under D.C. Super. Ct. Fam. Div. R. D(e) because, although the motion was filed within 10 business days after the magistrate issued written findings of fact and conclusions of law, it was

filed more than three months after the magistrate's disposition order was entered; pursuant to D.C. Code § 11-1732(k), the mother's attack on the neglect finding was not properly before the appellate court. In re Na.H., 65 A.3d 111, 2013 D.C. App. LEXIS 247 (2013).

§ 11-1732A. Special rules for magistrate judges of the Family Court of the Superior Court and the Domestic Violence Unit.

Section references. — This section is referenced in § 11-1732.

CASE NOTES

Review.

Mother's motion for review of a neglect finding by the Superior Court was untimely under D.C. Super. Ct. Fam. Div. R. D(e) because, although the motion was filed within 10 business days after the magistrate issued written findings of fact and conclusions of law, it was

filed more than three months after the magistrate's disposition order was entered; pursuant to D.C. Code § 11-1732(k), the mother's attack on the neglect finding was not properly before the appellate court. In re Na.H., 65 A.3d 111, 2013 D.C. App. LEXIS 247 (2013).

CHAPTER 25. ATTORNEYS.

§ 11-2501. Admission to bar; regulations; prior admission.

Section references. — This section is referenced in § 47-2805.02 and § 47-2853.04.

CASE NOTES

Construction.

Based on D.C. Code § 11-2501(a), the District of Columbia Court of Appeals considers D.C. Bar R. XI, § 10 as both a means of implementing D.C. Code § 11-2503(a) and a

rule adopted in the exercise of the Court's general authority to govern the Bar. In re Wilde, 68 A.3d 749, 2013 D.C. App. LEXIS 374 (2013).

§ 11-2503. Disbarment upon conviction of crime; procedure for censure, suspension, or disbarment.

CASE NOTES

ANALYSIS

Construction and application.
Foreign convictions.

Construction and application.

Based on D.C. Code § 11-2501(a), the District of Columbia Court of Appeals considers D.C. Bar R. XI, § 10 as both a means of

implementing D.C. Code § 11-2503(a) and a rule adopted in the exercise of the Court's general authority to govern the Bar. In re Wilde, 68 A.3d 749, 2013 D.C. App. LEXIS 374 (2013).

Foreign convictions.

Attorney who was convicted of a crime in South Korea was not found guilty of a crime

within the meaning of D.C. Code § 11-2503(a) and D.C. Bar R. XI, § 10, as it was determined that § 10 did not apply to convictions from courts of foreign nations and did not automatically require a conclusive effect pursuant to collateral estoppel, based on the lack of specific provisions on that issue. In re Wilde, 68 A.3d 749, 2013 D.C. App. LEXIS 374 (2013).

TITLE 12. RIGHT TO REMEDY.

CHAPTER 1. ABATEMENT AND REVIVOR.

§ 12-101. Survival of rights of action.

CASE NOTES

Practice and procedure, generally.

District's motion to dismiss plaintiff's wrongful death and survival act claims was granted; the wrongful death act and survival claims statute did not provide any substantive rights,

but simply established the procedural methods for filing suit. *Buruca v. District of Columbia*, 902 F. Supp. 2d 75, 2012 U.S. Dist. LEXIS 158587 (D.D.C. Nov. 6, 2012).

CHAPTER 3. LIMITATION OF ACTIONS.

§ 12-301. Limitation of time for bringing actions.

Section references. — This section is referenced in § 8-634.10, § 12-308, and § 28-3905.

CASE NOTES

ANALYSIS

Consumer protection, accrual of right of action or defense.

Recovery of personal property, accrual of right of action or defense.

Discovery of injury.

Equitable estoppel.

Breach of contract, limitation applicable to action.

—Landlord and tenant, limitation applicable to action.

Pleadings.

Consumer protection, accrual of right of action or defense.

Borrower's claim of wrongful foreclosure brought under the D.C. Consumer Protection Procedures Act, D.C. Code § 28-3904 (2001), was time barred pursuant to D.C. Code § 12-301 because the claim accrued when the lender initiated foreclosure proceedings on February

13, 2009, and the borrower filed suit on March 21, 2009, which was more than three years after the claim accrued. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Recovery of personal property, accrual of right of action or defense.

While defendant Republic of Hungary argued plaintiff art collection owner's descendant's bailment claims accrued in 1999 when one descendant had filed suit in Hungary, which, according to Hungary, was prompted by its refusal to negotiate with that descendant and thus marked a clear repudiation of the alleged bailment agreements, nothing in the complaint indicated the claims did in fact accrue when that Hungarian lawsuit was filed, and for statute of limitations purposes, the critical point was that the complaint alleged that Hungary's refusal of the demand for the collection did not occur until 2008, when Hungary issued its final

decision that it would not honor its obligation to return the collection to the descendants, and since the descendant's bailment claims were filed within 3 years of that alleged decision, the action was timely under D.C. Code § 12-301(2). *De Csepel v. Republic of Hung.*, 714 F.3d 591, 2013 U.S. App. LEXIS 7837 (D.C. Cir. 2013).

Discovery of injury.

Where a borrower's claim of wrongful foreclosure brought under the D.C. Consumer Protection Procedures Act, D.C. Code § 28-3904 (2001), was time-barred pursuant to D.C. Code § 12-301, the discovery rule was inapplicable because the fact of the borrower's injury was readily determined since the injury was based on initiation of foreclosure proceedings and thus, the claim accrued when the injury actually occurred. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Equitable estoppel.

Where a borrower's claim of wrongful foreclosure brought under the D.C. Consumer Protection Procedures Act, D.C. Code § 28-3904 (2001), was time-barred pursuant to D.C. Code § 12-301, equitable estoppel was inapplicable because the allegations of the complaint indicated that the borrower had all the facts necessary to bring her claim when the foreclosure proceedings were initiated. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S.

Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Breach of contract, limitation applicable to action.

Plaintiff's claim for breach of contract, which was filed more than three years after the maturation of the note, was barred by the statute of limitations. *Bakeir v. Capital City Mortg. Corp.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28745 (D.D.C. Mar. 4, 2013).

— Landlord and tenant, limitation applicable to action.

As tenants' alleged injury occurred at the time they became customers of a rental management company, and therefore could not be considered latent, the discovery rule did not extend the statute of limitations set forth in D.C. Code § 12-301(7)-(8) and the claims were thus time-barred. *Chaney v. Capitol Park Assocs.*, — WLR —, 2013 D.C. Super. LEXIS 2 (Mar. 11, 2013).

Pleadings.

Attorney's counterclaim against the Nigerian Embassy sufficiently pleaded facts that would support a continuing contract between the attorney and the Embassy, so that the Embassy's motion to dismiss the counterclaim on the basis of the statute of limitations was denied. *Embassy of the Fed. Republic of Nig. v. Ugwuonye*, 901 F. Supp. 2d 136, 2012 U.S. Dist. LEXIS 157992 (D.D.C. Nov. 5, 2012).

§ 12-309. Actions against District of Columbia for unliquidated damages; time for notice.

Section references. — This section is referenced in § 1-615.54, § 2-413, and § 2-424.

CASE NOTES

ANALYSIS

Police reports.

- Investigations by District, police reports.
- Sufficiency generally, police reports.

Police reports.

— Investigations by District, police reports.

Internal Affairs Division (IAD) report satisfied the D.C. Code § 12-309 requirement that the District of Columbia receive notice of plaintiff's claims before plaintiff filed a damage action because (1) the District did not dispute that the IAD report was prepared within six months of the incident; (2) the District did not dispute that the IAD report was a report created in the regular course of duty; and (3) the IAD report reflected the time, place, cause, and circumstances of plaintiff's alleged injury be-

cause the report gave the District sufficient detail to be put on notice that it might have been sued for assault and battery, false arrest and imprisonment, and intentional infliction of emotional distress, and the circumstances described in the report were sufficient to have allowed the District to conduct a prompt, properly focused investigation. *Greene v. Shegan*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 62221 (D.D.C. May 1, 2013).

— Sufficiency generally, police reports.

District of Columbia did not dispute that plaintiff met the requirements of D.C. Code § 12-309 because an officer prepared a police report in November 2008 in the regular course of his duty with the Metropolitan Police Department which provided the District sufficient notice of the time, place, cause, and circumstances of the injury suffered by her daughter.

Because police reports were an acceptable alternative to formal notice, and the District did not dispute that the report was sufficiently detailed to provide notice, the motion to dismiss

failed. *Gates v. United States*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 29093 (D.D.C. Mar. 5, 2013).

TITLE 13. PROCEDURE GENERALLY.

CHAPTER 4. CIVIL JURISDICTION AND SERVICE OUTSIDE THE DISTRICT OF COLUMBIA.

Subchapter II. Bases of Personal Jurisdiction over Persons Outside the District of Columbia.

§ 13-422. Personal jurisdiction based upon enduring relationship.

CASE NOTES

Personal jurisdiction not found.

Estate's unilateral choice to have defendant personal representatives (PR) send checks to a beneficiary's District of Columbia (D.C.) address was not purposeful availment of the privilege of conducting activities in D.C.; the PRs

were not subject to personal jurisdiction in D.C. under D.C. Code §§ 13-422, 13-423(a)(1), with regard to claims by plaintiff, the beneficiary's surviving spouse. *Loreto v. Cushman*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 34530 (D.D.C. Mar. 12, 2013).

§ 13-423. Personal jurisdiction based upon conduct.

Section references. — This section is referenced in § 48-804.02.

CASE NOTES

ANALYSIS

Marital relationships.
Personal representative.
Transacting business.
—Purposeful conduct, transacting business.

Marital relationships.

Plaintiff ex-husband's claims that alleged defamation against North Carolina (NC) defendant ex-wife were dismissed, because the husband failed to allege any facts that established personal jurisdiction under D.C. Code § 13-423; the wife lived in NC during the relevant time period, and obtained both a divorce decree and a judgment terminating plaintiff's parental rights in NC courts. *Coleman v. Silver*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 54104 (D.D.C. Apr. 17, 2013).

Personal representative.

Estate's unilateral choice to have defendant personal representatives (PR) send checks to a beneficiary's District of Columbia (D.C.) ad-

dress was not purposeful availment of the privilege of conducting activities in D.C.; the PRs were not subject to personal jurisdiction in D.C. under D.C. Code §§ 13-422, 13-423(a)(1), with regard to claims by plaintiff, the beneficiary's surviving spouse. *Loreto v. Cushman*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 34530 (D.D.C. Mar. 12, 2013).

Transacting business.

— Purposeful conduct, transacting business.

Plaintiff did not claim that defendant insurer's limited business in the District of Columbia constituted "regularly" doing business or deriving substantial revenue from services rendered in the District as required by the District's long-arm statute, D.C. Code § 13-423(a)(4), so the court had no personal jurisdiction. *Cannon v. Wells Fargo Bank, N.A.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 27927 (D.D.C. Mar. 1, 2013).

TITLE 14. PROOF.

CHAPTER 3. COMPETENCY OF WITNESSES.

§ 14-307. Physicians and mental health professionals.

Section references. — This section is referenced in § 4-1321.02, § 4-1321.05, § 4-1371.12, § 7-1911, § 16-2359, § 16-2388, § 34-1802, and § 47-368.02.

Emergency legislation.
For temporary (90 days) amendment of this section, see § 301 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013

(D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 301 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

TITLE 15. JUDGMENTS AND EXECUTIONS;
FEES AND COSTS.

CHAPTER 1. JUDGMENTS AND DECREES.

§ 15-109. Interest on judgment for damages in contract or tort.

CASE NOTES

Prejudgment interest allowed.
Prejudgment interest, under D.C. Code § 15-109, was necessary to fully compensate an embassy for the losses it had suffered as a result of the corporation's misconduct because the embassy was deprived of the \$1.55 million tax refund for five and a half years, a substantial amount of money which could have, accord-

ing to the embassy, been used to promote Nigeria interests in the United States, maintain the embassy's building and facilities, pay the salaries of the Nigerian and U.S. citizens who worked in its embassy, or support its operations or other needs. Embassy of the Fed. Republic of Nig. v. Ugwuonye, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 72395 (D.D.C. May 22, 2013).

TITLE 16. PARTICULAR ACTIONS,
PROCEEDINGS AND MATTERS.

- Chapter
8. Criminal Record Sealing.
25. Change of Name or Gender.

CHAPTER 8. CRIMINAL RECORD SEALING.

Sec.
16-803. Sealing of public criminal records in other cases.

Sec.
16-803.01. Sealing of arrest records of fugitives from justice.

§ 16-803. Sealing of public criminal records in other cases.

(a)(1) A person arrested for, or charged with, the commission of an eligible misdemeanor pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction may file a motion to seal the publicly available records of the arrest and related court proceedings if:

(A) A waiting period of at least 2 years has elapsed since the termination of the case; and

(B) Except as permitted by paragraph (2) of this subsection, the movant does not have a disqualifying arrest or conviction.

(2)(A) If a period of at least 5 years has elapsed since the completion of the movant's sentence for a disqualifying misdemeanor conviction in the District of Columbia or for a conviction in any jurisdiction for an offense that involved conduct that would constitute a disqualifying misdemeanor conviction if committed in the District, the conviction shall not disqualify the movant from filing a motion to seal an arrest and related court proceedings under this subsection for a case that was terminated without conviction before or after the disqualifying misdemeanor conviction, except when the case terminated without a conviction as a result of the successful completion of a deferred sentencing agreement.

(B) If a period of at least 10 years has elapsed since the completion of the movant's sentence for a disqualifying felony conviction in the District of Columbia or for a conviction in any jurisdiction for an offense that involved conduct that would constitute a disqualifying felony conviction if committed in the District, the conviction shall not disqualify the movant from filing a motion to seal an arrest and related court proceedings under this subsection for a case that was terminated without conviction before or after the disqualifying felony conviction, except when the case terminated without conviction as the result of the successful completion of a deferred sentencing agreement.

(b)(1) A person arrested for, or charged with, the commission of any other offense pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations whose prosecution has been terminated without conviction may file a motion to seal the publicly available records of the arrest and court proceedings if:

(A) A waiting period of at least 4 years has elapsed since the termination of the case or, if the case was terminated before charging by the prosecution, a waiting period of at least 3 years has elapsed since the termination of the case; and

(B) Except as permitted by paragraph (2) of this subsection, the movant does not have a disqualifying arrest or conviction.

(2)(A) If a period of at least 5 years has elapsed since the completion of the movant's sentence for a disqualifying misdemeanor conviction in the District of Columbia or for a conviction in any jurisdiction for an offense that involved conduct that would constitute a disqualifying misdemeanor conviction if committed in the District, the conviction shall not disqualify the movant from filing a motion to seal an arrest and related court proceedings under this

subsection for a case that was terminated without conviction before or after the disqualifying misdemeanor conviction, except when the case terminated without a conviction as a result of the successful completion of a deferred sentencing agreement.

(B) If a period of at least 10 years has elapsed since the completion of the movant's sentence for a disqualifying felony conviction in the District of Columbia or for a conviction in any jurisdiction for an offense that involved conduct that would constitute a disqualifying felony conviction if committed in the District, the conviction shall not disqualify the movant from filing a motion to seal an arrest and related court proceedings under this subsection for a case that was terminated without conviction before or after the disqualifying felony conviction, except when the case terminated without conviction as the result of the successful completion of a deferred sentencing agreement.

(c) A person who has been convicted of an eligible misdemeanor or an eligible felony pursuant to the District of Columbia Official Code or the District of Columbia Municipal Regulations may file a motion to seal the publicly available records of the arrest, related court proceedings, and conviction if:

(1) A waiting period of at least 8 years has elapsed since the completion of the movant's sentence; and

(2) The movant does not have a disqualifying arrest or conviction.

(c-1) A person convicted of an offense that was decriminalized after the date of the conviction may file a motion to seal the publicly available records of the arrest, related court proceedings, and conviction.

(c-2) A person to whom a District of Columbia arrest has been attributed, who attests under oath that he or she was incorrectly identified or named, may file a motion to seal publicly available records of the arrest if the law enforcement agency did not take fingerprints at the time of the arrest and no other form of reliable identification was presented by the person who was arrested.

(d) The waiting periods in subsections (a), (b), and (c) of this section, before which a motion to seal cannot be filed, must be satisfied with respect to all of the movant's arrests and convictions unless the movant waives in writing the right to seek sealing of an arrest or conviction as to which the prescribed waiting period has not elapsed.

(e) The waiting periods in subsections (a), (b), and (c) of this section may be waived by the prosecutor in writing.

(f) In a motion filed under subsections (a), (b), or (c) of this section, the movant must seek to seal all eligible arrests and convictions in the same proceeding unless the movant waives in writing the right to seek sealing with respect to a particular conviction or arrest.

(g) In determining whether a movant is eligible to file a motion to seal because of a conviction, arrest, or pending charge, minor offenses shall not be considered.

(h)(1) The Superior Court shall grant a motion to seal if it is in the interests of justice to do so. In making this determination, the Court shall weigh:

(A) The interests of the movant in sealing the publicly available records of his or her arrest, related court proceedings, or conviction;

(B) The community's interest in retaining access to those records, including the interest of current or prospective employers in making fully informed hiring or job assignment decisions and the interest in promoting public safety; and

(C) The community's interest in furthering the movant's rehabilitation and enhancing the movant's employability.

(2) In making this determination, the Court may consider:

(A) The nature and circumstances of the offense at issue;

(B) The movant's role in the offense or alleged offense and, in cases terminated without conviction, the weight of the evidence against the person;

(C) The history and characteristics of the movant, including the movant's:

(i) Character;

(ii) Physical and mental condition;

(iii) Employment history;

(iv) Prior and subsequent conduct;

(v) History relating to drug or alcohol abuse or dependence and treatment opportunities;

(vi) Criminal history; and

(vii) Efforts at rehabilitation;

(D) The number of the arrests or convictions that are the subject of the motion;

(E) The time that has elapsed since the arrests or convictions that are the subject of the motion;

(F) Whether the movant has previously obtained sealing or comparable relief under this section or any other provision of law other than by reason of actual innocence; and

(G) Any statement made by the victim of the offense.

(i)(1) In a motion filed under subsection (a), (c-1), or (c-2) of this section, the burden shall be on the prosecutor to establish by a preponderance of the evidence that it is not in the interests of justice to grant relief.

(2) In a motion filed under subsection (b) of this section, the burden shall be on the movant to establish by a preponderance of the evidence that it is in the interests of justice to grant relief.

(3) In a motion filed under subsection (c) of this section, the burden shall be on the movant to establish by clear and convincing evidence that it is in the interests of justice to grant relief.

(j) A motion to seal made pursuant to this section may be dismissed without prejudice to permit the movant to renew the motion after further passage of time. The Court may set a waiting period before a renewed motion can be filed.

(k) A motion to seal made pursuant to this section may be dismissed if it appears that the movant has unreasonably delayed filing the motion and that the government has been prejudiced in its ability to respond to the motion by the delay in its filing, unless the movant shows that the motion is based on grounds which the person could not have raised by the exercise of reasonable diligence before the circumstances prejudicial to the government occurred.

(l) If the Court grants the motion to seal:

(1)(A) The Court shall order the prosecutor, any law enforcement agency, and any pretrial, corrections, or community supervision agency to remove from their publicly available records all references that identify the movant as having been arrested, prosecuted, or convicted.

(B) The prosecutor's office and agencies shall be entitled to retain any and all records relating to the movant's arrest and conviction in a nonpublic file.

(C) The prosecutor, any law enforcement agency, and any pretrial, corrections, or community supervision agency office shall file a certification with the Court within 90 days that, to the best of its knowledge and belief, all references that identify the movant as having been arrested, prosecuted, or convicted have been removed from its publicly available records.

(2)(A) The Court shall order the Clerk to remove or eliminate all publicly available Court records that identify the movant as having been arrested, prosecuted, or convicted.

(B) The Clerk shall be entitled to retain any and all records relating to the movant's arrest, related court proceedings, or conviction in a nonpublic file.

(3)(A) In a case involving co-defendants in which the Court orders the movant's records sealed, the Court may order that only those records, or portions thereof, relating solely to the movant be redacted.

(B) The Court need not order the redaction of references to the movant that appear in a transcript of court proceedings involving co-defendants.

(4) The Court shall not order the redaction of the movant's name from any published opinion of the trial or appellate courts that refer to the movant.

(5) Unless otherwise ordered by the Court, the Clerk and any other agency shall reply in response to inquiries from the public concerning the existence of records which have been sealed pursuant to this chapter that no records are available.

(m) No person as to whom such relief has been granted shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge his or her arrest, charge, trial, or conviction in response to any inquiry made of him or her for any purpose except that the sealing of records under this provision does not relieve a person of the obligation to disclose the sealed arrest or conviction in response to any direct question asked in connection with jury service or in response to any direct question contained in any questionnaire or application for a position with any person, agency, organization, or entity defined in § 16-801(11).

(May 5, 2007, D.C. Law 16-307, § 2(b), 54 DCR 868; Oct. 22, 2012, D.C. Law 19-183, § 3, 59 DCR 9429; June 15, 2013, D.C. Law 19-319, § 4(b), 60 DCR 2333; Dec. 13, 2013, D.C. Law 20-50, § 4(a), 60 DCR 15151.)

Section references. — This section is referenced in § 16-804 and § 16-806.

Effect of amendments.

The 2013 amendment by D.C. Law 19-319 rewrote (a) and (b); substituted "a waiting pe-

riod of at least 8 years" for "a waiting period of at least 10 years" in (c)(1); added (c-2); and added "In a motion filed under subsections (a), (b), or (c) of this section" in (f).

The 2013 amendment by D.C. Law 20-50

substituted “subsection (a), (c-1), or (c-2) of this section” for “subsection (a) of this section” in (i)(1).

Temporary legislation. — For temporary (225 days) amendment of this section, see §§ 2(a) and 3 of the Criminal Record Sealing Temporary Act of 2013 (D.C. Law 20-38, Nov. 5, 2013, 60 DCR 12149).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(a) of the Criminal Record Sealing Congressional Review Emergency Act of 2013 (D.C. Act 20-168, September 30, 2013, 60 DCR 14734).

Legislative history of Law 19-319. — See note to § 16-801.

Legislative history of Law 20-50. — Law 20-50, the “Personal Property Robbery Prevention Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-143. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-189 and transmitted to Congress for its review. D.C. Law 20-50 became effective on December 13, 2013.

§ 16-803.01. Sealing of arrest records of fugitives from justice.

(a) A person arrested upon a warrant issued pursuant to § 23-701 or arrested within the District of Columbia as a fugitive from justice without a warrant having been issued may file a motion to seal the record of the District of Columbia arrest and related Superior Court proceedings at any time after the person has appeared before the proper official in the jurisdiction from which he or she was a fugitive.

(b)(1) The Superior Court shall grant a motion to seal if:

(A) The arrest was not made in connection with or did not result in Regulations charges or federal charges in the United States District Court for the District of Columbia against the person;

(B) The person waived an extradition hearing pursuant to § 23-702(f)(1) and was released pursuant to § 23-702(f)(2) or detained pursuant to § 23-702(f)(3); and

(C) The person proves by a preponderance of the evidence that he or she has appeared before the proper official in the jurisdiction from which he or she was a fugitive.

(2)(A) In all other cases under this section, the Superior Court may grant a motion to seal if it is in the interest of justice to do so. In making this determination, the court shall consider:

(i) The interests of the movant in sealing the publicly available records of his or her arrest and related court proceedings;

(ii) The community’s interest in retaining access to those records;

(iii) The community’s interest in furthering the movant’s rehabilitation and enhancing the movant’s employability; and

(iv) Any other information it considers relevant.

(B) The burden shall be on the movant to establish by a preponderance of the evidence that it is in the interest of justice to grant relief.

(c) If the Court grants the motion to seal:

(1)(A) The Court shall order the prosecutor and any law enforcement agency to remove from their publicly available records all references that identify the movant as having been arrested.

(B) The prosecutor’s office and law enforcement agencies shall be entitled to retain any and all records relating to the movant’s arrest in a nonpublic file.

(C) The prosecutor's office and law enforcement agencies shall file a certification with the Court within 90 days that, to the best of its knowledge and belief, all references that identify the movant as having been arrested have been removed from its publicly available records.

(2)(A) The Court shall order the clerk to remove or eliminate all publicly available court records that identify the movant as having been arrested.

(B) The clerk shall be entitled to retain any and all records relating to the movant's arrest, related court proceedings, or conviction in a nonpublic file.

(3) The Court shall not order the redaction of the movant's name from any published opinion of the trial or appellate courts that refer to the movant.

(4) Unless otherwise ordered by the Court, the clerk and any other agency shall reply in response to inquiries from the public concerning the existence of records which have been sealed pursuant to this chapter that no records are available.

(5) No person as to whom relief pursuant to this section has been granted shall be held thereafter under any provision of law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge his or her arrest as a fugitive from justice in response to any inquiry made of him or her for any purpose.

(6) For purposes of this section, the entities listed in § 16-801(11)(D)-(F) shall be considered public.

(June 15, 2013, D.C. Law 19-319, § 4(c), 60 DCR 2333; Dec. 13, 2013, D.C. Law 20-50, § 4(b), 60 DCR 15151.)

Section references. — This section is referenced in § 16-806.

Effect of amendments. — The 2013 amendment by D.C. Law 20-50 rewrote (b)(2).

Temporary legislation. — For temporary (225 days) amendment of this section, see §§ 2(b) and 3 of the Criminal Record Sealing Temporary Act of 2013 (D.C. Law 20-38, Nov. 5, 2013, 60 DCR 12149).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(b)

of the Criminal Record Sealing Emergency Act of 2013 (D.C. Act 20-99, July 1, 2013, 60 DCR 10009, 20 DCSTAT 1805).

For temporary (90 days) amendment of this section, see § 2(b) of the Criminal Record Sealing Congressional Review Emergency Act of 2013 (D.C. Act 20-168, September 30, 2013, 60 DCR 14734).

Legislative history of Law 20-50. — See note to § 16-803.

CHAPTER 9. DIVORCE, ANNULMENT, SEPARATION, SUPPORT, ETC.

§ 16-910. Assignment and equitable distribution of property.

Section references. — This section is referenced in § 19-604.13.

CASE NOTES

Marital property.

As marital property, the S Street property was subject to equitable distribution between the parties, a distribution that permitted the

court to take into account factors including each party's contribution as a homemaker or otherwise to the family unit, D.C. Code § 16-910(b)(7). Because the wife contributed sub-

stantially to the marriage by bearing and raising the children and freeing the husband to build his practice and pursue his business ventures, and because the court distributed most of the other marital realty, eleven parcels, to the husband, the appellate court could not say that the trial court abused its discretion in awarding the S Street property to the wife. *Araya v. Keleta*, 65 A.3d 40, 2013 D.C. App. LEXIS 77 (2013), writ of certiorari denied by 134 S. Ct. 426, 187 L. Ed. 2d 282, 2013 U.S. LEXIS 7370, 82 U.S.L.W. 3214 (U.S. 2013).

Where a spouse's separate property has been combined or blended with marital property in such a way that: (1) the two items of property came to be used as one property; and (2) one or both properties would be destroyed or damaged or left with a gaping deficiency or defect if the properties were separated, the *Darling* rule permits the trial court to treat the separate property as transformed and the combined or blended property as marital property that is subject to equitable distribution under D.C. Code § 16-910(b). And while District of Columbia precedent does not permit courts to conclude that use of a real property owned by one spouse as the family home is generally enough by itself to convert the property to marital property, the fact that a combined property has been used as the family home is a factor that the trial court may find weighs, in conjunction with the factors listed above, in favor of a conclusion that the separate property has lost its character as separate property and that the combined property is marital property; that is because the fact that a combined property has served as the spouses' and their children's family home may give rise to an objectively reasonable expectation of an interest in that property on the part of the other spouse. *Araya v. Keleta*,

65 A.3d 40, 2013 D.C. App. LEXIS 77 (2013), writ of certiorari denied by 134 S. Ct. 426, 187 L. Ed. 2d 282, 2013 U.S. LEXIS 7370, 82 U.S.L.W. 3214 (U.S. 2013).

Trial court did not err in awarding to the wife real property that the husband brought to the marriage as his sole and separate property because where a spouse's separate property had been combined or blended with marital property in such a way that: (1) the two items of property came to be used as one property; and (2) one or both properties would be destroyed or damaged or left with a gaping deficiency or defect if the properties were separated, the *Darling* rule permitted the trial court to treat the separate property as transformed and the combined or blended property as marital property that was subject to equitable distribution under D.C. Code § 16-910(b). In the instant case all of those factors were present since the New Jersey Avenue property was acquired by the husband as his sole and separate property before the parties' marriage, but the house on the New Jersey Avenue property was annexed to the contiguous S Street house through creation of a passageway, enabling the family to use the two structures as a single dwelling, and the family did so use it; in addition, the S Street house was rebuilt without a kitchen, a defect that meant it could not be used as a separate residence unless a room was converted to a kitchen, and therefore, the appellate court affirmed the trial court's ruling that the two structures together were marital property that could be distributed pursuant to D.C. Code § 16-910(b). *Araya v. Keleta*, 65 A.3d 40, 2013 D.C. App. LEXIS 77 (2013), writ of certiorari denied by 134 S. Ct. 426, 187 L. Ed. 2d 282, 2013 U.S. LEXIS 7370, 82 U.S.L.W. 3214 (U.S. 2013).

§ 16-911. Pendente lite relief.

Section references. — This section is referenced in § 16-831.03, § 16-916, and § 16-4806.

CASE NOTES

Attorney fees.

Trial court did not err when it concluded that it was authorized to award the wife attorney's fees under D.C. Code § 16-911(a)(1) (2001) because the practice of making attorney's fee awards after trial, and after the divorce decree had been issued, was consistent with the trial court's statutory authority to award fees to enable such other spouse to conduct the case; moreover, although the husband asserted that the wife never showed a need for suit money, the undisputed evidence was that, during most

of the marriage and at the time of divorce, the wife was unemployed, had no income, and had hospital and credit card debt that she was unable to pay. Properly, the fee award was based on the actual services performed by the attorney, and on an assessment of counsel's skill and experience, the reasonableness of his rates over 14 months of representation, the successful result obtained, the husband's financial ability to pay the award, and the wife's lack of financial ability to do so. *Araya v. Keleta*, 65 A.3d 40, 2013 D.C. App. LEXIS 77 (2013), writ

of certiorari denied by 134 S. Ct. 426, 187 L. Ed. 2d 282, 2013 U.S. LEXIS 7370, 82 U.S.L.W. 3214 (U.S. 2013).

Applied in *Cave v. Scheulov*, 64 A.3d 190, 2013 D.C. App. LEXIS 153 (2013).

§ 16-914. Custody of children.

Section references. — This section is referenced in § 16-831.03 and § 16-911.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 509 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CASE NOTES

ANALYSIS

Custody determination upheld.
Findings.

Custody determination upheld.

Trial court did not fail to honor the presumption in favor of joint custody when it granted an ex-wife joint legal custody and primary physical custody of the parties' child because a custody arrangement that granted primary physical custody to one parent and visitation to the other was considered a joint custody arrangement. *Estopina v. O'Brian*, 68 A.3d 790, 2013 D.C. App. LEXIS 382 (2013).

Trial court did not abuse its discretion in granting primary physical custody, including the right to relocate, to a mother because it weighed all of the appropriate factors, and no inappropriate factors, in determining what custody arrangement would be in the best interests of the child; the trial court thoroughly considered each of the factors necessary to determining the best interests of the child pursuant to D.C. Code § 16-914(a)(3), and many additional relocation factors before reaching a

custody decision. *Estopina v. O'Brian*, 68 A.3d 790, 2013 D.C. App. LEXIS 382 (2013).

Findings.

Trial court did not manifestly abuse its discretion in determining that it was in the children's best interest to award physical custody of the children to the wife because the court's findings were not against the weight of the evidence as credited by the court, and the appellate court discerned no clear error in any of the court's findings; moreover, the fact that both parties had committed intra-family offenses did not mean that the offenses simply canceled each other out, necessitating an award of joint custody. Finally, the court was not precluded from making a custody determination that differed from the "50:50" custody arrangement that the judge ordered pendente lite and that the judge ordered in granting the civil protection orders. *Araya v. Keleta*, 65 A.3d 40, 2013 D.C. App. LEXIS 77 (2013), writ of certiorari denied by 134 S. Ct. 426, 187 L. Ed. 2d 282, 2013 U.S. LEXIS 7370, 82 U.S.L.W. 3214 (U.S. 2013).

CHAPTER 10. PROCEEDINGS REGARDING INTRAFAMILY OFFENSES.

Subchapter I. Intrafamily Proceedings Generally.

§ 16-1005. Hearing; evidence; protection order.

Section references. — This section is referenced in § 2-1402.21, § 5-127.04, § 7-2502.03, § 16-1003, § 16-1004, § 16-1042, § 42-3505.07, and § 42-3505.08.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 281(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Attorney fees.

Trial court erred in denying a wife's request

for attorney's fees under D.C. Code § 16-1005(c)(8) after she successfully petitioned for a

civil protection order against her husband because the trial court too narrowly circumscribed the criteria for awarding attorney's fees in the CPO proceeding; no "condition precedent" factors had to be resolved in the wife's favor before the trial court considered all other relevant factors in determining whether to award attorney's fees in a CPO proceeding. *Cave v. Scheulov*, 64 A.3d 190, 2013 D.C. App. LEXIS 153 (2013).

Given the statutory policy creating incentives for victims of domestic violence to seek civil protection orders (CPO) for their protection, a finding of "burdensome or oppressive litigation" is not a condition precedent to an award of attorney's fees in a CPO proceeding; based on the policy underlying the CPO statute there may be instances in which the prospect of attorney's fees may be essential to enable a victim of domestic violence to bring and conduct the case, a rationale that is available, for exam-

ple, under certain circumstances during the pendency of a divorce proceeding. *Cave v. Scheulov*, 64 A.3d 190, 2013 D.C. App. LEXIS 153 (2013).

Whatever is meant by "oppressive or burdensome litigation" it does not call to mind the higher level of "vexatious" conduct found only in "extraordinary circumstances" that justify the bad faith exception to the American Rule, but this is not to say that such conduct could not justify a fee award in domestic relations litigation; it is to say, rather, that the common law jurisprudence generated by the bad faith exception is not to be incorporated as the guiding light for defining "oppressive or burdensome litigation" in a civil protection order proceeding and other domestic relations disputes providing for statutory awards of attorney's fees. *Cave v. Scheulov*, 64 A.3d 190, 2013 D.C. App. LEXIS 153 (2013).

Subchapter II. Parental Kidnapping.

§ 16-1024. Penalties.

Section references. — This section is referenced in § 23-563.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 281(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 23. FAMILY DIVISION [FAMILY COURT] PROCEEDINGS.

Subchapter I. Proceedings Regarding Delinquency, Neglect, or Need of Supervision.

§ 16-2336. Unlawful disclosure of records; penalties.

Section references. — This section is referenced in § 16-2316, § 16-2331, and § 16-2332.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 281(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter II. Parentage Proceedings.

§ 16-2348. Parentage records; confidentiality; inspection and disclosure.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 281(d) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III. Proceedings Regarding the Termination of Parental Rights of Certain Neglected Children.

§ 16-2364. Unlawful disclosure.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 281(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter V. Permanent Guardianship.

§ 16-2394. Unlawful disclosure.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 281(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 25. CHANGE OF NAME OR GENDER.

Sec.
16-2502. Notice; contents. [Repealed].

Sec.
16-2503. Decree.

§ 16-2501. Application; persons who may file.

Legislative history of Law 20-37. — Law 20-37, the “JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-142. The Bill was adopted on first and second readings on June 26, 2013, and July 10, 2013, respectively. Signed by the Mayor on

August 6, 2013, it was assigned Act No. 20-153 and transmitted to Congress for its review. D.C. Law 20-37 became effective on November 5, 2013.

Editor’s notes. — D.C. Law 20-37 added “or Gender” at the end of the chapter heading.

§ 16-2502. Notice; contents. [Repealed].

[Repealed].

(Dec. 23, 1963, 77 Stat. 595, Pub. L. 88-241, § 1; Nov. 5, 2013, D.C. Law 20-37, § 3(b), 60 DCR 12145.)

Legislative history of Law 20-37. — See note to § 16-2501.

§ 16-2503. Decree.

(a) Upon a showing that the court deems satisfactory, the court may change the name of the applicant according to the prayer of the application.

(b)(1) Any District resident may seek a declaration by the Superior Court reflecting a change of gender. The Superior Court shall grant the declaration if the individual seeking the declaration provides, to the court, a statement from the individual’s healthcare provider as described in § 7-210.01(a)(2). If

granted, the declaration shall be effective from the date of gender transition as specified in the healthcare provider's statement.

(2) Any District resident who was born in a state or foreign jurisdiction that requires a court order to amend a birth certificate to reflect a change in gender may request a court order by the Superior Court directing the birth state or foreign jurisdiction to amend the original birth certificate or issue a new birth certificate reflecting a change of gender. The Superior Court shall grant the order if the individual seeking the order provides, to the court, a statement from the individual's healthcare provider as described in § 7-210.01(a)(2).

(3) Any declaration or order issued pursuant to subsection (b) this section shall constitute conclusive proof of the individual's gender for all purposes and shall be given the full force and effect of any judgment issued by the Superior Court.

(Dec. 23, 1963, 77 Stat. 595, Pub. L. 88-241, § 1; Nov. 5, 2013, D.C. Law 20-37, § 3(c), 60 DCR 12145.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-37 deleted "On proof of the notice prescribed by section 16-2502, and" from the beginning; added the subsection (a) designation; and added (b).

Legislative history of Law 20-37. — See note to § 16-2501.

CHAPTER 27. NEGLIGENCE CAUSING DEATH.

§ 16-2701. Liability; damages; prior recovery as precluding action.

CASE NOTES

Construction and application.

District's motion to dismiss plaintiff's wrongful death and survival act claims was granted; the wrongful death act and survival claims statute did not provide any substantive rights,

but simply established the procedural methods for filing suit. *Buruca v. District of Columbia*, 902 F. Supp. 2d 75, 2012 U.S. Dist. LEXIS 158587 (D.D.C. Nov. 6, 2012).

CHAPTER 44. ARBITRATION; REVISED UNIFORM ACT.

§ 16-4423. Vacating award.

Section references. — This section is referenced in § 16-4404, § 16-4412, § 16-4414,

§ 16-4418, § 16-4420, § 16-4421, § 16-4422, § 16-4424, and § 16-4425.

CASE NOTES

ANALYSIS

Authority of arbitrator.
Review.

Authority of arbitrator.

In arbitration pertaining to the allocation of attorneys' fees awarded after settlement in a California class action lawsuit, an arbitrator did not exceed his powers under the Federal Arbitration Act and the District of Columbia Revised Uniform Arbitration Act because the arbitrator squarely centered the arbitration decision on the meaning of key paragraphs in the parties' agreements, which controlled the content of the attorney fee petition submitted to the California court. *Wolf v. Sprenger + Lang*,

PLLC, 70 A.3d 225, 2013 D.C. App. LEXIS 393 (2013).

Review.

Client's bare allegations were contested and insufficient to prove a statutory basis for vacating an arbitration award because the agreement to arbitrate expressly provided that the arbitration award was binding on both parties and that there was only a limited right of appeal; by signing the agreement, the client agreed to the rules of the District of Columbia Bar Attorney-Client Arbitration Board and waived her right to challenge its decision on any grounds that required a transcript. *Zegeye v. Liss*, 70 A.3d 1208, 2013 D.C. App. LEXIS 408 (2013).

CHAPTER 51. JURY SELECTION.

§ 16-5103. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 281(g) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 55. STRATEGIC LAWSUITS AGAINST PUBLIC PARTICIPATION.

§ 16-5502. Special motion to dismiss.

Section references. — This section is referenced in § 16-5504.

CASE NOTES

Time limitations.

It was unnecessary to decide whether the collateral order doctrine provided jurisdiction to review the denial of a motion to dismiss under the District of Columbia Anti-SLAPP Act of 2010, D.C. Code § 16-5501 et seq., because

the merits of the appeal were a foregone conclusion. The motion was untimely, and the statutory time period could not be extended under Fed. R. Civ. P. 6(b). *Sherrod v. Breitbart*, 720 F.3d 932, 2013 U.S. App. LEXIS 12959 (D.C. Cir. 2013).

TITLE 17. REVIEW.

CHAPTER 3. DISTRICT OF COLUMBIA COURT OF APPEALS.

§ 17-305. Scope of review.

CASE NOTES

Witness testimony, scope of review.

Trial court did not err in thinking that the testimony of the victim's wife corroborated a government informant's account, and any error was harmless because the fact that supposedly corroborated the informant's testimony was not the primary basis on which the trial court

credited the informant; there was nothing in the record to suggest that the trial court would have discredited the informant's testimony without the supposed corroboration provided by the wife. In re D.N., 65 A.3d 88, 2013 D.C. App. LEXIS 248 (2013).

TITLE 18. WILLS.

CHAPTER 1. GENERAL PROVISIONS.

§ 18-112. Taking and carrying away, or destroying, mutilating, or secreting will.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 301 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 20. PROBATE AND ADMINISTRATION OF DECEDENTS' ESTATES.

CHAPTER 1. GENERAL PROVISIONS.

§ 20-102. Verification.

Section references. — This section is referenced in § 20-905.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 302

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 21. FIDUCIARY RELATIONS AND PERSONS WITH MENTAL ILLNESS.

CHAPTER 5. HOSPITALIZATION OF PERSONS WITH MENTAL ILLNESS.

Subchapter VI. Miscellaneous Provisions.

§ 21-591. Offenses and penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 282 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 22. CRIMINAL OFFENSES AND PENALTIES.

SUBTITLE I. CRIMINAL OFFENSES.

CHAPTER 1. ABORTION.

§ 22-101. Definition and penalty. [Repealed].

Emergency legislation. — For temporary (90 days) amendment of this section, see § 209(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 3. ARSON.

§ 22-301. Definition and penalty.

Section references. — This section is referenced in § 22-2101, § 22-3152, § 23-546, and § 24-112.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(j) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-302. Burning one's own property with intent to defraud or injure another.

Section references. — This section is referenced in § 22-2101, § 23-546, and § 24-112.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(k) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-303. Malicious burning, destruction, or injury of another's property.

Section references. — This section is referenced in § 22-951, § 22-3152, § 23-546, and § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(k) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Defenses.

Sentence and punishment.

Weight and sufficiency of evidence.

Defenses.

Defendant's malicious destruction of property conviction under D.C. Code § 22-303 was supported by sufficient evidence as his defense based on the purported reasonable belief that a telecommunications manager had the apparent authority to enter into a cable cutting agreement for a kickback failed, as defendant did not have a reasonable belief, at the time of contracting, that the manager had authority to enter into the agreement. *Castoreno v. United States*, 65 A.3d 1172, 2013 D.C. App. LEXIS 265 (2013).

Sentence and punishment.

Two malicious destruction charges did not merge because each conviction was the result of a separate criminal act against a separate victim where the convictions were the result of defendant's two distinct collisions with two separate victims during a car chase; victims three and four suffered injuries to their interests in their respective vehicles. *Vines v. United States*, 70 A.3d 1170, 2013 D.C. App. LEXIS 395 (2013).

Weight and sufficiency of evidence.

Evidence was sufficient to support defendant's conviction for the malicious destruction of property, in violation of D.C. Code § 22-303, because (1) defendant's parent came home to find that the lock on the door leading from the common basement of a duplex, which duplex the parent shared with defendant, to the parent's side of the duplex was broken and that the

door jamb was damaged; and (2) defendant later told the parent that defendant had broken the door to gain access to the parent's side of the duplex. The physical evidence and defendant's admissions that defendant broke the door to gain entry established all the elements of destruction of property, and no special showing of intent was necessary beyond defendant's admissions about purposefully breaking the door. *Best v. United States*, 66 A.3d 1013, 2013 D.C. App. LEXIS 276 (2013).

Defendant's malicious destruction of property (MDP) conviction under D.C. Code § 22-303 was supported by sufficient evidence as: (1) both the specific intent and conscious disregard states of mind were included in the definition of malice for MDP review; (2) specific intent to damage another's property with some value and without justification, excuse, or mitigation was enough to constitute actual malice; (3) defendant had specific intent to cut the cable, sell it to a recycling center and give a kickback to the telecommunications manager; and (4) defendant's actions were not justified, excused or mitigated by his unauthorized agreement with the telecommunications manager. *Castoreno v. United States*, 65 A.3d 1172, 2013 D.C. App. LEXIS 265 (2013).

Defendant's malicious destruction convictions were supported by sufficient evidence since defendant acted with malice where he fled police at a high rate of speed, drove down the wrong side of the road, ran through a red light, and collided with multiple vehicles, which suggested a high degree of recklessness; it could be inferred that defendant acted willfully and in spite of a plain and strong likelihood that his actions would result in property damage. *Vines v. United States*, 70 A.3d 1170, 2013 D.C. App. LEXIS 395 (2013).

CHAPTER 4. ASSAULT; MAYHEM; THREATS.

§ 22-401. Assault with intent to kill, rob, or poison, or to commit first degree sexual abuse, second degree sexual abuse or child sexual abuse.

Section references. — This section is referenced in § 5-132.21, § 11-502, § 22-3007, § 22-3152, § 22-4001, § 24-112, § 24-403, and § 24-403.01.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-402. Assault with intent to commit mayhem or with dangerous weapon.

Section references. — This section is referenced in § 5-132.21, § 7-2508.01, and § 24-112.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-403. Assault with intent to commit any other offense.

Section references. — This section is referenced in § 5-132.21, § 22-3007, § 22-3011, § 22-3012, § 22-4001, and § 24-112.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-404. Assault or threatened assault in a menacing manner; stalking.

Section references. — This section is referenced in § 5-132.21, § 7-2502.03, § 16-2333, § 22-951, and § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Defenses.

Nature and elements of offenses.

—Intent and malice, nature and elements of offenses.

—Significant bodily injury, nature and elements of offenses.

Significant bodily injury.

Weight and sufficiency of evidence.

—In general.

Defenses.

Trial court did not err in holding that defendant was not entitled to a jury instruction on the defense of consent because engaging in a physical altercation in a public space, which resulted in significant bodily injury to the victim, was a breach to public peace and order

and, therefore, was conduct to which defendant could not use consent as a defense to criminal prosecution; consent is not a defense to a charge of assault with significant bodily injury arising out of a street fight. *Woods v. United States*, 65 A.3d 667, 2013 D.C. App. LEXIS 258 (2013).

Nature and elements of offenses.

— Intent and malice, nature and elements of offenses.

Sufficient evidence supported defendant's simple assault conviction where defendant led police on a high-risk chase down a busy downtown street, the result of which was a violent collision with victim four's vehicle, causing her to suffer physical injuries; intent was inferred from the intent to commit the act constituting the assault, or the intent to cause bodily harm

from defendant's extremely reckless conduct. *Vines v. United States*, 70 A.3d 1170, 2013 D.C. App. LEXIS 395 (2013).

Given that reckless conduct is sufficient to establish the requisite intent to convict a defendant of assault with a deadly weapon, it necessarily follows that it is enough to establish the intent to convict a defendant of simple assault. *Vines v. United States*, 70 A.3d 1170, 2013 D.C. App. LEXIS 395 (2013).

— **Significant bodily injury, nature and elements of offenses.**

Under the felony assault statute, D.C. Code § 22-404(a)(2), injuries that require hospitalization or immediate medical attention — meaning “significant bodily injuries” — excludes those which, although seemingly significant enough to invite medical assistance, do not actually “require” it, meaning the victim would not suffer additional harm by failing to receive professional diagnosis and treatment. *Quintanilla v. United States*, 62 A.3d 1261, 2013 D.C. App. LEXIS 80 (2013).

To determine the kind of injury that requires “hospitalization or immediate medical attention” — the defining words under § 22-404(a)(2) for a bodily injury that is “significant” — everyday remedies such as ice packs, bandages, and self-administered over-the-counter medications, are not sufficiently “medical” to qualify, whether administered by a medical professional or with self-help; treatment of a higher order, requiring true “medical” expertise, is required. *Quintanilla v. United States*, 62 A.3d 1261, 2013 D.C. App. LEXIS 80 (2013).

Significant bodily injury.

Evidence was insufficient as a matter of law to support defendant's conviction for felony assault under D.C. Code § 22-404(a)(2), because the victim suffered no long-term consequences or “significant” bodily injury; she reported some swelling and bruising but never received medical attention or took any medication for her injuries other than aspirin. *Quintanilla v. United States*, 62 A.3d 1261, 2013 D.C. App. LEXIS 80 (2013).

Weight and sufficiency of evidence.

— **In general.**

Although remand for a retrial was necessary for the trial court to consider whether defendant's right to confrontation was violated, the evidence was sufficient to support defendant's conviction for assault, in violation of D.C. Code § 22-404, because (1) a police officer testified that defendant's step-sibling, while in an excited state, told the officer that defendant came to the step-sibling, while holding a knife, and told the step-sibling that the step-sibling looked like the step-sibling had been selling drugs and needed a haircut, and that defendant then tried to cut the step-sibling's hair; (2) the officer testified as to the officer's observations that both defendant and the step-sibling had visible injuries and bloodstained clothes and that there was a trail of blood inside the duplex unit which defendant and the step-sibling shared; and (3) there was photographic evidence. *Best v. United States*, 66 A.3d 1013, 2013 D.C. App. LEXIS 276 (2013).

Applied in *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

§ 22-404.01. **Aggravated assault.**

Section references. — This section is referenced in § 5-132.21 and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-404.02. **Assault on a public vehicle inspection officer.**

Emergency legislation. — For temporary (90 days) addition of this section, see § 401 of the Omnibus Criminal Code Amendment Con-

gressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 22-404.03. **Aggravated assault on a public vehicle inspection officer.**

Emergency legislation. — For temporary (90 days) addition of this section, see § 401 of the Omnibus Criminal Code Amendment Con-

gressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 22-405. Assault on member of police force, campus or university special police, or fire department.

Section references. — This section is referenced in § 23-524, § 24-112, § 24-261.03, § 24-403, and § 24-403.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 202(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-406. Mayhem or maliciously disfiguring.

Section references. — This section is referenced in § 5-132.21, § 22-3152, and § 24-112.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(g) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-407. Threats to do bodily harm.

Section references. — This section is referenced in § 5-132.21, § 7-2502.03, § 16-4205, and § 22-951.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 203(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 5. BIGAMY.

§ 22-501. Bigamy.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(q) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 6. BREAKING INTO DEVICES DESIGNED TO RECEIVE CURRENCY.

§ 22-601. Breaking and entering vending machines and similar devices.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 204 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 7. BRIBERY; OBSTRUCTING JUSTICE; CORRUPT INFLUENCE.

Subchapter I. Corrupt Influence.

§ 22-704. Corrupt influence; officials.

Section references. — This section is referenced in § 23-546.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 308

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter II. Bribery.

§ 22-712. Prohibited acts; penalty.

Section references. — This section is referenced in § 23-546.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§§ 111(a)(3) and 205(v) of the Criminal Fine Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-713. Bribery of witness; penalty.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(w) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III. Obstructing Justice.

§ 22-722. Prohibited acts; penalty.

Section references. — This section is referenced in § 23-546, § 23-1322, and § 24-112.

Emergency legislation. — For temporary (90 days) amendment of this

section, see § 205(bb) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Weight and sufficiency of evidence.

First defendant's conviction for obstruction of justice under D.C. Code § 22-722(a)(2)(A), was supported by evidence that a witness who identified first defendant during the grand jury hearing recanted his identification at trial, af-

ter first defendant placed a recorded call to his father stating he needed to contact a private investigator to assist. *Smith v. United States*, 68 A.3d 729, 2013 D.C. App. LEXIS 282 (2013), writ of certiorari denied by 2013 U.S. LEXIS 8624 (U.S. Dec. 2, 2013).

§ 22-723. Tampering with physical evidence; penalty.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(cc) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 8. BURGLARY.

§ 22-801. Definition and penalty.

Section references. — This section is referenced in § 11-502, § 22-4001, § 23-546, and § 24-112.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(l) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Aiding and abetting.

Indictment or information.

—Amendments, indictment or information.

Aiding and abetting.

Defendant's conviction for first-degree burglary, in violation of D.C. Code § 22-801(a), was appropriate because the government presented evidence that defendant aided and abetted two people in entering the apartment where defendant was staying to commit an assault on the person who was renting the apartment, as the crime intended to be committed in the apartment infringed upon the peaceful use and occupancy of a co-dweller of that apartment. *Spriggs v. United States*, 52 A.3d 878, 2012

D.C. App. LEXIS 478 (2012).

Indictment or information.

— Amendments, indictment or information.

Even though the trial court constructively amended the burglary indictment by adding an additional intent under which the jury could find defendant guilty, intent to commit an assault, defendant could not show that the error affected his substantial rights because the evidence presented at trial and the government's argument to the jury were consistent with the language of the indictment. *Portillo v. United States*, 62 A.3d 1243, 2013 D.C. App. LEXIS 73 (2013).

CHAPTER 8A. CRIMES COMMITTED AGAINST MINORS.

§ 22-811. Contributing to the delinquency of a minor.

Section references. — This section is referenced in § 7-403.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 206(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 8B. CRIMES AGAINST PUBLIC OFFICIALS.

§ 22-851. Criminal street gangs.

Section references. — This section is referenced in § 5-132.21.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 206(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 9. COMMERCIAL COUNTERFEITING.

§ 22-902. Trademark counterfeiting.

Section references. — This section is referenced in § 16-801.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 111(b) and 207 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 9A. CRIMINAL ABUSE AND NEGLECT OF VULNERABLE ADULTS.

§ 22-934. Criminal negligence.

CASE NOTES

Evidence held insufficient.

Evidence was insufficient to convict appellant of criminal neglect of a vulnerable adult under D.C. Code § 22-934 as appellant's decision to push the complainant to the nearest hospital to get help, even knowing that her foot

was dragging on the ground, could not, by itself, support an inference that appellant was acting with reckless indifference in the face of the trial court's finding that appellant did not know what else to do. *Tarpeh v. United States*, 62 A.3d 1266, 2013 D.C. App. LEXIS 79 (2013).

§ 22-936. Penalties.

Section references. — This section is referenced in § 16-801 and § 22-951.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 208

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 9B. CRIMINAL STREET GANGS.

§ 22-951. Criminal street gangs.

Section references. — This section is referenced in § 22-811.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 206(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 10. CRUELTY TO ANIMALS.

§ 22-1006.01. Penalty for engaging in animal fighting.

Section references. — This section is referenced in § 22-1015.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 210

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1012. Abandonment of maimed or diseased animal; destruction of diseased animals; disposition of animal or vehicle on arrest of driver; scientific experiments.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 209(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 11. CRUELTY TO CHILDREN.

§ 22-1101. Definition and penalty.

Section references. — This section is referenced in § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 211 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Construction.

Weight and sufficiency of evidence.

Construction.

Operative language of D.C. Code § 22-1101, as distinguished from its title, effectively treats reckless disregard of a grave risk of bodily injury to a child as the substantial equivalent of cruelty; the prosecution therefore does not have to prove that a defendant intended to cause his or her children any harm. *Mitchell v. United States*, 64 A.3d 154, 2013 D.C. App. LEXIS 148 (2013).

Weight and sufficiency of evidence.

Defendant was properly convicted of second-degree cruelty to children in violation of D.C. Code § 22-1101(b) because an impartial juror could find beyond a reasonable doubt that revolvers and shotguns on the living room sofa,

all loaded and “ready for action,” created a grave risk of injury to children who could be watching television five feet away; an impartial jury could find that defendant’s apartment was the locus of a drug-selling operation, and the loaded weapons were there to protect the business and those that operated it. *Mitchell v. United States*, 64 A.3d 154, 2013 D.C. App. LEXIS 148 (2013).

Evidence was sufficient to support defendant’s conviction for second-degree cruelty to a child, in violation of D.C. Code § 22-1101(b), because, when an adult, who was not entitled to custody of the adult’s child, attempted to take the child onto a bus, the child’s grandparent tried to stop the adult by pulling the adult’s hair. A struggle ensued, in which the grandparent struck the adult, while the adult was carrying the adult’s child, which resulted in the child falling to the ground and receiving a visible head injury. *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

§ 22-1102. Refusal or neglect of guardian to provide for child under 14 years of age.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 212

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 12A. DETECTION DEVICE TAMPERING.

§ 22-1211. Tampering with a detection device.

Section references. — This section is referenced in § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 213(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 13. DISTURBANCES OF THE PUBLIC PEACE.

§ 22-1301. Affrays.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 203(a)(1) of the Criminal Fine

Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1307. Crowding, obstructing, or incommoding.

Section references. — This section is referenced in § 23-101.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 214(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Construction with other law.

No narrowing construction of 40 U.S.C.S. § 6135 was necessary to prevent the creation of a statutory vacuum in an area where appropriately narrow regulations may be necessary to protect legitimate state interests because 18 U.S.C.S. § 1507, as well as D.C. Code § 22-1307, which required compliance with law enforcement authorities to avoid blocking use of

streets or buildings' entrances, satisfied interests of ensuring ingress and egress into the Supreme Court building, maintaining proper order and decorum, and preserving the appearance of the U.S. Supreme Court as a body not swayed by external influence. *Hodge v. Talkin*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 81727 (D.D.C. June 11, 2013).

§ 22-1312. Lewd, indecent, or obscene acts; sexual proposal to a minor.

Section references. — This section is referenced in § 22-1809, § 22-4001, § 22-4151, § 23-101, and § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 214(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1314.02. Prohibited acts.

Section references. — This section is referenced in § 16-801 and § 22-1314.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 214(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1319. False alarms and false reports; hoax weapons.

Section references. — This section is referenced in § 5-117.05.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 215 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1321. Disorderly conduct.

Section references. — This section is referenced in § 16-801 and § 22-1809.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 103 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 202(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Instructions.

If breach-of-peace element of jury instruction misstated law under former D.C. Code § 22-1321, error was harmless because defendants' claim to prejudice depended on showing jury might have credited evidence about rubbernecking but not evidence about activity in

nearby apartments; defendants pointed to no evidence that supported claims about rubbernecking without also supporting claims about neighbors waking up. *Huthnance v. District of Columbia*, 722 F.3d 371, 2013 U.S. App. LEXIS 13784 (D.C. Cir. 2013).

§ 22-1322. Rioting or inciting to riot.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 216 of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1323. Obstructing bridges connecting D.C. and Virginia.

Section references. — This section is referenced in § 5-133.17.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 112(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 13A. ENTRY INTO A MOTOR VEHICLE, UNLAWFUL.

§ 22-1341. Unlawful entry of a motor vehicle.

Section references. — This section is referenced in § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 213(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 14. FALSE PRETENSES; FALSE PERSONATION.

§ 22-1402. Recordation of deed, contract, or conveyance with intent to extort money.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 217 of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1403. False personation before court, officers, notaries.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(n) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1404. Falsely impersonating public officer or minister.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(o) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1405. False personation of inspector of departments of District.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 218 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1406. False personation of police officer.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 219(a) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1409. Use of official insignia; penalty for unauthorized use.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 220 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 15. FORGERY, FRAUDS.

§ 22-1502. Forging or imitating brands or packaging of goods.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(v) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1510. Making, drawing, or uttering check, draft, or order with intent to defraud; proof of intent; “credit” defined.

Section references. — This section is referenced in § 28-3152.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 104 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 221 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1513. Penalty under § 22-1511.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 222 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1514. Fraudulent interference or collusion in jury selection.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(a) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 17. GAMBLING.

*Subchapter I. General Provisions.***§ 22-1701. Lotteries; promotion; sale or possession of tickets.**

Section references. — This section is referenced in § 22-1702, § 22-1705, § 22-1718, and § 23-546.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 201(n) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1702. Possession of lottery or policy tickets.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(o) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1703. Permitting sale of lottery tickets on premises.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(p) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1704. Gaming; setting up gaming table; inducing play.

Section references. — This section is referenced in § 22-1702, § 22-1705, and § 22-1707.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(p) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1705. Gambling premises; definition; prohibition against maintaining; forfeiture; liens; deposit of moneys in Treasury; penalty; subsequent offenses.

Section references. — This section is referenced in § 23-546.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(q) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1706. Three-card monte and confidence games.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(r) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1708. Gambling pools and bookmaking; athletic contest defined.

Section references. — This section is referenced in § 22-1702.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(s) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act

20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1713. Corrupt influence in connection with athletic contests.

Section references. — This section is referenced in § 23-546.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 201(t) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 18. GENERAL OFFENSES.

§ 22-1803. Attempts to commit crime.

Section references. — This section is referenced in § 16-801, § 22-3231, § 22-3232, and § 22-4001.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(y) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Dangerous weapon.

Possession of prohibited weapon, sufficiency of evidence.

Dangerous weapon.

Vacatur of a conviction for attempted possession of a prohibited weapon, in violation of D.C. Code §§ 22-1803 and 22-4514(b), was appropriate because the evidence was insufficient to support a finding that pepper spray was a dangerous weapon within the meaning of attempted possession of a prohibited weapon, under D.C. Code §§ 22-1803 and 22-4514(b). *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

Possession of prohibited weapon, sufficiency of evidence.

Although remand for a retrial was necessary for the trial court to consider whether defen-

dant's right to confrontation was violated, the evidence was sufficient to support defendant's conviction for attempted possession of a prohibited weapon, in violation of D.C. Code §§ 22-1803 and 22-4514(b), because (1) a police officer testified that defendant's step-sibling, while in an excited state, told the officer that defendant came to the step-sibling, while holding a knife, and told the step-sibling that the step-sibling looked like the step-sibling had been selling drugs and needed a haircut, and that defendant then tried to cut the step-sibling's hair; (2) the officer testified as to the officer's observations that both defendant and the step-sibling had visible injuries and bloodstained clothes and that there was a trail of blood inside the duplex unit which defendant and the step-sibling shared; and (3) there was photographic evidence. *Best v. United States*, 66 A.3d 1013, 2013 D.C. App. LEXIS 276 (2013).

§ 22-1804a. Penalty for felony after at least 2 prior felony convictions.

Section references. — This section is referenced in § 16-710 and § 24-403.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 303(t) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1805a. Conspiracy to commit crime.

Section references. — This section is referenced in § 16-801 and § 22-4001.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(z) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Weight and sufficiency of evidence.

Beating death was not outside the scope of the common design of defendant and his accomplice to rob and “whoop” the victim because defendant and the accomplice had not carried away the proceeds when the fatal blows were inflicted; the death of the victim was a natural

and probable consequence of a robbery committed in a brutal fashion, and it was entirely foreseeable that death could result from a “whoopin” inflicted by two men, even if they were not armed. In re D.N., 65 A.3d 88, 2013 D.C. App. LEXIS 248 (2013).

§ 22-1807. Punishment for offenses not covered by provisions of Code.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 201(aa) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-1810. Threatening to kidnap or injure a person or damage his property.

Section references. — This section is referenced in § 23-546.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 223

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Merger.

Defendant's two felony threat convictions under D.C. Code § 22-1810 merged, as defendant's threat to two victims was one act di-

rected at an undifferentiated group of victims. Kittle v. United States, 65 A.3d 1144, 2013 D.C. App. LEXIS 264 (2013).

CHAPTER 18A. HUMAN TRAFFICKING.

§ 22-1837. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 224 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 19. INCEST.

§ 22-1901. Definition and penalty.

Section references. — This section is referenced in § 22-4001 and § 23-113.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 303(r) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 19A. INTERFERING WITH REPORTS OF CRIME.

§ 22-1931. Obstructing, preventing, or interfering with reports to or requests for assistance from law enforcement agencies, medical providers, or child welfare agencies.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 206(f) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 20. KIDNAPPING.

§ 22-2001. Definition and penalty; conspiracy.

Section references. — This section is referenced in § 11-502, § 22-3152, § 22-4001, § 23-546, and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 303(i) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 21. MURDER; MANSLAUGHTER.

§ 22-2101. Murder in the first degree — Purposeful killing; killing while perpetrating certain crimes.

Section references. — This section is referenced in § 7-627, § 7-651.12, § 11-502, § 22-

2103, § 22-3152, § 22-4001, § 23-113, § 23-546, § 24-112, § 24-211.07, and § 24-251.02.

CASE NOTES

ANALYSIS

Constitutional rights of accused.

Felony-murder.

—Robbery, felony-murder.

Constitutional rights of accused.

As the court clerk responded to a jury's note

without alerting defendant or his counsel, and as the clerk's response did not clear up the jury's confusion over whether defendant attempted an armed robbery and thus committed felony murder in killing the victim, defendant was deprived of his right under U.S. Const. amend. V and VI to his own presence and that

of his counsel at all critical stages of the prosecution. *Euceda v. United States*, 66 A.3d 994, 2013 D.C. App. LEXIS 279 (2013).

Felony-murder.

— Robbery, felony-murder.

Beating death was not outside the scope of the common design of defendant and his accomplice to rob and “whoop” the victim because defendant and the accomplice had not carried away the proceeds when the fatal blows were inflicted; the death of the victim was a natural and probable consequence of a robbery committed in a brutal fashion, and it was entirely

foreseeable that death could result from a “whoopin” inflicted by two men, even if they were not armed. *In re D.N.*, 65 A.3d 88, 2013 D.C. App. LEXIS 248 (2013).

Trial court did not misapprehend the elements of felony murder as applied to accomplices because further findings that the fatal beating occurred “in furtherance of” the common plan to rob the victim were not required; because defendant made no request for a special finding whether the killing occurred in furtherance of the robbery, the trial court appropriately focused on his contention that he was not involved in the robbery. *In re D.N.*, 65 A.3d 88, 2013 D.C. App. LEXIS 248 (2013).

§ 22-2104. Penalty for murder in first and second degrees.

Section references. — This section is referenced in § 22-2104.01, § 22-4502, § 24-112, and § 24-221.06.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 303(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2105. Penalty for manslaughter.

Section references. — This section is referenced in § 22-3152, § 24-112, and § 50-2206.51.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2106. Murder of law enforcement officer.

Section references. — This section is referenced in § 22-3152, § 23-113, § 24-112, and § 24-403.01.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2107. Penalty for solicitation of murder or other crime of violence.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 22. OBSCENITY.

§ 22-2201. Certain obscene activities and conduct declared unlawful; definitions; penalties; affirmative defenses; exception.

Section references. — This section is referenced in § 22-4001 and § 22-4151.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(u) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act

20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 23. PANHANDLING.

§ 22-2304. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 225 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 24. PERJURY; RELATED OFFENSES.

§ 22-2402. Perjury.

Section references. — This section is referenced in § 2-1831.13, § 4-804, § 7-2502.05, § 7-2502.11, and § 7-2504.09.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 205(x) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Weight and sufficiency of evidence.

Second defendant's perjury convictions were supported by evidence that, inter alia, during a recorded jail call, second defendant asked first defendant which thing he was calling from, but at trial second defendant testified that first

defendant did not have a cell phone in prison. *Smith v. United States*, 68 A.3d 729, 2013 D.C. App. LEXIS 282 (2013), writ of certiorari denied by 2013 U.S. LEXIS 8624 (U.S. Dec. 2, 2013).

§ 22-2403. Subornation of perjury.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(y) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2404. False swearing.

Section references. — This section is referenced in § 2-1831.13.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 205(z) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2405. False statements.

Section references. — This section is referenced in § 4-251.03, § 4-1501.09, § 42-1102, § 47-3504, and § 47-3506.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 205(aa) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 25. POSSESSION OF IMPLEMENTS OF CRIME.

§ 22-2501. Possession of implements of crime; penalty.

Section references. — This section is referenced in § 24-403 and § 24-403.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 202(b) and 305 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 25A. PRESENCE IN A MOTOR VEHICLE CONTAINING A FIREARM.

§ 22-2511. Presence in a motor vehicle containing a firearm.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 213(a) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 26. PRISON MISCONDUCT.

Subchapter I. Escape.

§ 22-2601. Escape from institution or officer.

Section references. — This section is referenced in § 24-112 and § 24-407.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 105 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 226 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Construction and application.

Halfway house is a penal institution within the meaning of D.C. Code § 22-2601. *Tillman v.*

United States, 68 A.3d 742, 2013 D.C. App. LEXIS 286 (2013).

Subchapter III. Introduction of Contraband into Penal Institution.

§ 22-2603.03. Penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 227 of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 27. PROSTITUTION; PANDERING.

Subchapter I. General.

§ 22-2701. Engaging in prostitution or soliciting for prostitution.

Section references. — This section is referenced in § 22-1831, § 22-2701.01, § 22-2703, § 22-2723, § 22-2731, § 22-4001, § 42-3101, and § 47-2844.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 228 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Sentence and punishment.

Weight and sufficiency of evidence.

Sentence and punishment.

Penalties for solicitation of prostitution remained identical to the penalties for engaging in prostitution in the 2009 statute. *Moten v. United States*, — A.3d —, 2013 D.C. App. LEXIS 388 (July 3, 2013).

Weight and sufficiency of evidence.

Evidence was sufficient to support defendant's conviction of solicitation as it established that the officer informed defendant she was "looking for dates" and defendant told her that he was "horny," which alleviated any concern that defendant was unaware of the illicit nature of their arrangement; defendant offered shelter and marijuana in exchange for sex. *Moten v. United States*, — A.3d —, 2013 D.C. App. LEXIS 388 (July 3, 2013).

§ 22-2704. Abducting or enticing child from his or her home for purposes of prostitution; harboring such child.

Section references. — This section is referenced in § 14-311, § 22-1831, § 22-2701.01, § 22-2731, § 22-3020.51, § 22-4001, § 23-113, and § 42-3101.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(g) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2705. Pandering; inducing or compelling an individual to engage in prostitution.

Section references. — This section is referenced in § 14-311, § 22-1831, § 22-2701.01, § 22-2731, § 23-113, and § 42-3101.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 229(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2706. Compelling an individual to live life of prostitution against his or her will.

Section references. — This section is referenced in § 14-311 and § 23-113.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 229(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2707. Procuring; receiving money or other valuable thing for arranging assignation.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 229(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2708. Causing spouse or domestic partner to live in prostitution.

Section references. — This section is referenced in § 14-311 and § 23-113.
Emergency legislation. — For temporary (90 days) amendment of this section, see § 306(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2709. Detaining an individual in disorderly house for debt there contracted.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 306(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2710. Procuring for house of prostitution.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 229(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2711. Procuring for third persons.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 229(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2712. Operating house of prostitution.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 229(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2716. Violation of injunction granted under § 22-2714.

Section references. — This section is referenced in § 22-2717.
Emergency legislation. — For temporary (90 days) amendment of this section, see § 230 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2722. Keeping bawdy or disorderly houses.

Section references. — This section is referenced in § 22-1831, § 22-2701.01, § 22-2731, and § 22-4001.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 203(a)(2) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter II. Prostitution Free Zones.

§ 22-2731. Prostitution free zone; penalty.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 206(c) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 27A. PROTEST TARGETING A RESIDENCE.

§ 22-2752. Engaging in an unlawful protest targeting a residence.

Section references. — This section is referenced in § 23-581.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 231

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 28. ROBBERY.

§ 22-2801. Robbery.

Section references. — This section is referenced in § 11-502, § 22-2802, § 23-546, and § 24-112.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(h) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Conspiracy.

Felony murder.

Conspiracy.

Beating death was not outside the scope of the common design of defendant and his accomplice to rob and “whoop” the victim because defendant and the accomplice had not carried away the proceeds when the fatal blows were inflicted; the death of the victim was a natural and probable consequence of a robbery committed in a brutal fashion, and it was entirely foreseeable that death could result from a

“whoopin” inflicted by two men, even if they were not armed. In re D.N., 65 A.3d 88, 2013 D.C. App. LEXIS 248 (2013).

Felony murder.

Trial court did not misapprehend the elements of felony murder as applied to accomplices because further findings that the fatal beating occurred “in furtherance of” the common plan to rob the victim were not required; because defendant made no request for a special finding whether the killing occurred in furtherance of the robbery, the trial court appropriately focused on his contention that he

was not involved in the robbery. In re D.N., 65 A.3d 88, 2013 D.C. App. LEXIS 248 (2013).

§ 22-2802. Attempt to commit robbery.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 201(e) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-2803. Carjacking.

Section references. — This section is referenced in § 7-2508.01, § 24-112, § 24-221.06, and § 24-467.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 30. SEXUAL ABUSE.

Subchapter II. Sex Offenses.

§ 22-3002. First degree sexual abuse.

Section references. — This section is referenced in § 22-3007, § 22-3010, § 22-4001, § 22-4502, § 23-113, § 24-112, and § 24-403.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Applied in *Legette v. United States*, 69 A.3d 373, 2013 D.C. App. LEXIS 375 (2013).

§ 22-3003. Second degree sexual abuse.

Section references. — This section is referenced in § 22-4001, § 23-113, § 24-112, and § 24-403.01.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 232(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3004. Third degree sexual abuse.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 232(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3005. Fourth degree sexual abuse.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 232(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3006. Misdemeanor sexual abuse.

Section references. — This section is referenced in § 16-801, § 22-4151, and § 23-581.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 232(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Applied in *Legette v. United States*, 69 A.3d 373, 2013 D.C. App. LEXIS 375 (2013).

§ 22-3007. Defense to sexual abuse.

CASE NOTES

Applied in *Legette v. United States*, 69 A.3d 373, 2013 D.C. App. LEXIS 375 (2013).

§ 22-3008. First degree child sexual abuse.

Section references. — This section is referenced in § 22-3011, § 22-3012, § 22-4001, § 22-4502, § 23-113, § 24-112, and § 24-403.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Construction with other law.

Defendant's motion for acquittal was denied because 18 U.S.C.S. § 2422(b) only required the Government to show that if defendant and the minors at issue had engaged in the sexual activity defendant attempted to persuade, induce, entice, or coerce the minors to engage in, defendant could have been charged with a

violation of D.C. Code § 22-3008 (the Government was not required to show that defendant could have been charged with an attempt to violate the underlying state law in order to obtain a conviction). *United States v. Hite*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 84180 (D.D.C. June 14, 2013).

§ 22-3009. Second degree child sexual abuse.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 232(g) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3009.01. First degree sexual abuse of a minor.

Section references. — This section is referenced in § 23-113.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(h) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3009.02. Second degree sexual abuse of a minor.

Section references. — This section is referenced in § 22-3010 and § 23-113.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(i) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3009.03. First degree sexual abuse of a secondary education student.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 232(j) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3009.04. Second degree sexual abuse of a secondary education student.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 232(k) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3010. Enticing a child or minor.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(l) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3010.01. Misdemeanor sexual abuse of a child or minor.

Section references. — This section is referenced in § 22-4151 and § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(m) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Indictment or information.

Information gave defendant adequate notice of the charges against him because the government's evidence was sufficient to prove offenses on a date reasonably close to the one alleged in the information, and defendant suffered no

substantial prejudice from the range of dates; the evidence presented during the defense case more squarely placed the incidents reasonably close to the dates alleged in the amended information. *Hooker v. United States*, 70 A.3d 1197, 2013 D.C. App. LEXIS 410 (2013).

§ 22-3010.02. Arranging for a sexual contact with a real or fictitious child.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 232(n) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3013. First degree sexual abuse of a ward, patient, client, or prisoner.

Section references. — This section is referenced in § 22-3017, § 23-113, and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(o) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3014. Second degree sexual abuse of a ward, patient, client, or prisoner.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(p) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3015. First degree sexual abuse of a patient or client.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(q) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3016. Second degree sexual abuse of a patient or client.

Section references. — This section is referenced in § 23-113 and § 24-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 232(r) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 31A. STALKING.

§ 22-3134. Penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 213(d) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 31B. TERRORISM.

§ 22-3154. Manufacture or possession of a weapon of mass destruction.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 307(a) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3155. Use, dissemination, or detonation of a weapon of mass destruction.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 307(b) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 32. THEFT; FRAUD; STOLEN PROPERTY; FORGERY; AND EXTORTION.

Subchapter II. Theft; Related Offenses.

§ 22-3211. Theft.

Section references. — This section is referenced in § 22-3202, § 22-3212, § 23-546, § 23-581, § 27-101, and § 50-1403.02.

CASE NOTES

Defenses.

Defendants' second-degree theft conviction under D.C. Code § 22-3211(b) was supported by sufficient evidence where: (1) even assuming the agency's telecommunications manager (TM) had apparent authority to enter into a cable disposal contract, he did not have the apparent authority to enter into a cable cutting contract for a kickback; (2) despite defendants' efforts to provide innocent explanations for

their conduct, both defendants withheld information from an investigator, lied to him, and tried to defend the kickback arrangement as an opportunity cost; and (3) defendants took the cable without authority or right because they lacked a reasonable belief, at the time of contracting, that the TM had authority to enter into the agreement. *Castoreno v. United States*, 65 A.3d 1172, 2013 D.C. App. LEXIS 265 (2013).

§ 22-3212. Penalties for theft.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 205(a) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3213. Shoplifting.

Section references. — This section is referenced in § 23-581 and § 27-101.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 205(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3214. Commercial piracy.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 205(c) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3214.01. Deceptive labeling.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3214.02. Unlawful operation of a recording device in a motion picture theater.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(e) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3215. Unauthorized use of motor vehicles.

Section references. — This section is referenced in § 16-2331, § 16-2332, § 16-2333, § 23-581, and § 50-1403.02.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 205(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3216. Taking property without right.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(g) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter II-A. Theft of Utility Service.

§ 22-3218.04. Penalties for violation.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(h) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III. Fraud; Related Offenses.

§ 22-3222. Penalties for fraud.

Section references. — This section is referenced in § 16-801, § 20-108.01, and § 42-404.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 111(a)(1) and 205(i) of the Criminal Fine Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3223. Credit card fraud.

Section references. — This section is referenced in § 16-801 and § 22-3202.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 205(j) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3224. Fraudulent registration.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(k) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III-A. Insurance Fraud.

§ 22-3225.04. Penalties.

Section references. — This section is referenced in § 22-3225.05.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 205(l) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III-B. Telephone Fraud.

§ 22-3226.10. Criminal penalties.

Section references. — This section is referenced in § 16-801 and § 22-3226.06.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 205(m) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III-C. Identity Theft.

§ 22-3227.03. Penalties for identity theft.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this

section, see §§ 111(a)(2) and 205(n) of the Criminal Fine Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter IV. Stolen Property.

§ 22-3231. Trafficking in stolen property.

Section references. — This section is referenced in § 22-3202, § 23-546, and § 50-1403.02.

Emergency legislation. — For temporary (90 days) amendment of this

section, see § 205(o) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3232. Receiving stolen property.

Section references. — This section is referenced in § 22-3202, § 23-546, § 23-581, and § 50-1403.02.

Emergency legislation. — For temporary (90 days) amendment of this

section, see § 205(p) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3233. Altering or removing motor vehicle identification numbers.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 205(q) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3234. Altering or removing bicycle identification numbers.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 205(r) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter V. Forgery.

§ 22-3242. Penalties for forgery.

Section references. — This section is referenced in § 16-4901.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 205(s) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter VI. Extortion.

§ 22-3251. Extortion.

Section references. — This section is referenced in § 23-546.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 205(t) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3252. Blackmail.

Section references. — This section is referenced in § 23-546.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 205(u) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 33. TRESPASS; INJURIES TO PROPERTY.

§ 22-3301. Forcible entry and detainer.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 201(m) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3302. Unlawful entry on property.

Section references. — This section is referenced in § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 201(h) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act

20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Double jeopardy.

Nature and elements of offense.

—Warning or notice, nature and elements of offense.

Double jeopardy.

Defendant's convictions for unlawful entry, D.C. Code § 22-3302 (2001), and criminal contempt, D.C. Code § 23-1329 (2001), did not pass the Blockburger test because the provision of the release order that defendant violated and that supported his contempt conviction was the provision that ordered him to stay away from the premises of 2301 11th Street, and thus, defendant violated his release order when he willfully did not stay away from the premises of 2301 11th Street. The barring notice prohibited defendant from entering the public housing complex, and thus, defendant committed the offense of unlawful entry when he entered 2301 11th Street, part of the public housing complex, in violation of the barring notice; therefore,

because the violated provision of the order, not staying away from the public housing complex building at 2301 11th Street on September 22, 2010, did not require proof of an element that unlawful entry did not also require, defendant's unlawful entry conviction was a replication of the release-order violation and thus, defendant could not be punished for both under the Double Jeopardy Clause of the Fifth Amendment. *Haye v. United States*, 67 A.3d 1025, 2013 D.C. App. LEXIS 66 (2013).

Nature and elements of offense.

— Warning or notice, nature and elements of offense.

Because defendant was orally notified by a housing authority officer that he was barred from Garfield Terrace and because he returned to the premises on two occasions after having been barred, the evidence supported his convictions for unlawful entry under D.C. Code § 22-3302. *Haye v. United States*, 67 A.3d 1025, 2013 D.C. App. LEXIS 66 (2013).

§ 22-3303. Grave robbery; buying or selling dead bodies.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(s) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3305. Placing explosives with intent to destroy or injure property.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 201(i) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3306. Defacing books, manuscripts, publications, or works of art.

Emergency legislation. For temporary (90 days) amendment of this section, see § 201(l) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3307. Destroying or defacing public records.

Emergency legislation. For temporary (90 days) amendment of this section, see § 201(j) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3309. Destroying boundary markers.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 201(w) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3310. Destroying vines, bushes, shrubs, trees or protections thereof; penalty.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 214(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3311. Disorderly conduct in public buildings or grounds; injury to or destruction of United States property.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 214(e) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3312.04. Penalties.

Section references. — This section is referenced in § 42-3141.08.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 234

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3318. Malicious pollution of water.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 219(b) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3319. Placing obstructions on or displacement of railway tracks.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 303(m) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 34. USE OF "DISTRICT OF COLUMBIA" BY CERTAIN PERSONS.

§ 22-3402. Use of "District of Columbia" or similar designation by private detective or collection agency — Penalty.

Section references. — This section is ref-

erenced in § 22-3401.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 235

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 35A. VOYEURISM.

§ 22-3531. Voyeurism.

Section references. — This section is referenced in § 23-581.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 206(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 35B. FINES FOR CRIMINAL OFFENSES.

§ 22-3571.01. Fines for criminal offenses.

Section references. — This section is referenced in § 2-381.09, § 2-1402.66, § 4-1321.07, § 7-2507.06, § 8-111.09, § 8-1906, § 16-1005, § 16-1024, § 16-2336, § 16-2348, § 16-2364, § 16-2394, § 16-5103, § 18-112, § 20-102, § 21-591, § 22-301, § 22-302, § 22-303, § 22-401, § 22-402, § 22-403, § 22-404, § 22-404.01, § 22-404.02, § 22-404.03, § 22-405, § 22-406, § 22-407, § 22-501, § 22-601, § 22-704, § 22-712, § 22-713, § 22-722, § 22-723, § 22-801, § 22-811, § 22-851, § 22-902, § 22-936, § 22-951, § 22-1006.01, § 22-1012, § 22-1101, § 22-1102, § 22-1211, § 22-1301, § 22-1307, § 22-1312, § 22-1314.02, § 22-1319, § 22-1321, § 22-1322, § 22-1323, § 22-1341, § 22-1402, § 22-1403, § 22-1404, § 22-1405, § 22-1406, § 22-1409, § 22-1502, § 22-1510, § 22-1513, § 22-1514, § 22-1701, § 22-1702, § 22-1703, § 22-1704, § 22-1705, § 22-1706, § 22-1708, § 22-1713, § 22-1803, § 22-1804a, § 22-1805a, § 22-1807, § 22-1810, § 22-1837, § 22-1901, § 22-1931, § 22-2001, § 22-2104, § 22-2105, § 22-2106, § 22-2107, § 22-2201, § 22-2304, § 22-2402, § 22-2403, § 22-2404, § 22-2405, § 22-2501, § 22-2511, § 22-2601, § 22-2603.03, § 22-2701, § 22-2704, § 22-2705, § 22-2706, § 22-2707, § 22-2708, § 22-2709, § 22-2710, § 22-2711, § 22-2712, § 22-2716, § 22-2722, § 22-2731, § 22-2752, § 22-2801, § 22-2802, § 22-2803, § 22-3002, § 22-3003, § 22-3004, § 22-3005, § 22-3006, § 22-3008, § 22-3009, § 22-3009.01, § 22-3009.02, § 22-3009.03, § 22-3009.04, § 22-3010, § 22-3010.01, § 22-3010.02, § 22-3013, § 22-3014, § 22-3015, § 22-3016, § 22-3103, § 22-3134, § 22-3154, § 22-3155, § 22-3212, § 22-3213, § 22-3214, § 22-3214.01, § 22-3214.02, § 22-3215, § 22-3216, § 22-

3218.04, § 22-3222, § 22-3223, § 22-3224, § 22-3225.04, § 22-3226.10, § 22-3227.03, § 22-3231, § 22-3232, § 22-3233, § 22-3234, § 22-3242, § 22-3251, § 22-3252, § 22-3301, § 22-3302, § 22-3303, § 22-3305, § 22-3306, § 22-3307, § 22-3309, § 22-3310, § 22-3311, § 22-3312.04, § 22-3318, § 22-3319, § 22-3402, § 22-3531, § 22-3571.02, § 22-4015, § 22-4134, § 22-4331, § 22-4402, § 22-4404, § 22-4502, § 22-4503, § 22-4504, § 22-4514, § 22-4515, § 22-4515a, § 23-542, § 23-543, § 23-703, § 23-1108, § 23-1110, § 23-1111, § 23-1327, § 23-1328, § 23-1329, § 24-403.01, § 25-434, § 25-772, § 25-785, § 25-831, § 25-1001, § 28-2305, § 28-3313, § 28-3817, § 28-4505, § 28-4506, § 28-4607, § 32-213, § 32-1011, § 32-1307, § 47-102, § 47-391.03, § 47-821, § 47-828, § 47-850.02, § 47-861, § 47-863, § 47-1805.04, § 47-2014, § 47-2018, § 47-2106, § 47-2406, § 47-2408, § 47-2409, § 47-2421, § 47-2707, § 47-2808, § 47-2839.01, § 47-2846, § 47-2850, § 47-2853.27, § 47-2883.04, § 47-2884.16, § 47-2885.20, § 47-2886.14, § 47-2887.14, § 47-3409, § 47-3719, § 47-4101, § 47-4102, § 47-4103, § 47-4104, § 47-4105, § 47-4106, § 47-4107, § 47-4405, § 47-4406, § 48-711, § 48-904.01, § 48-904.02, § 48-904.03, § 48-904.03a, § 48-904.07, § 48-904.10, § 48-921.02, § 48-1005, § 48-1103, § 50-329.05, § 50-351, § 50-371, § 50-405, § 50-607, § 50-1215, § 50-1301.74, § 50-1301.75, § 50-1331.08, § 50-1401.01, § 50-1401.02, § 50-1403.01, § 50-1403.03, § 50-1501.04, § 50-1507.03, § 50-1912, § 50-2201.03, § 50-2201.04, § 50-2201.04b, § 50-2201.05b, § 50-2201.05c, § 50-2201.05d, § 50-2201.28, § 50-2203.01, § 50-2206.13, § 50-2206.15, § 50-2206.16, § 50-2206.18, § 50-

2206.32, § 50-2206.34, § 50-2206.36, § 50-2302.03, § 50-2303.02, § 50-2421.04, § 50-2421.09, § 50-2421.10, and § 50-2632.

Emergency legislation. — For temporary

(90 days) addition of this section, see § 101 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-3571.02. Applicability of fine proportionality provision.

Section references. — This section is referenced in § 22-3571.01.

Emergency legislation. — For temporary (90 days) addition of this section, see § 102 of

the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE III. SEX OFFENDERS.

CHAPTER 40. SEX OFFENDER REGISTRATION.

§ 22-4015. Penalties; mandatory release condition.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 236

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE III-A. DNA TESTING.

CHAPTER 41A. DNA TESTING AND POST-CONVICTION RELIEF FOR INNOCENT PERSONS.

§ 22-4131. Definitions.

Section references. — This section is referenced in § 5-113.32 and § 22-4133.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 510 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 22-4134. Preservation of evidence.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 237 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE IV. PREVENTION, SOLUTION, AND PUNISHMENT OF CRIMES.

CHAPTER 42A. CRIMINAL JUSTICE COORDINATING COUNCIL.

Subchapter I. General.

§ 22-4233. Membership.

Section references. — This section is referenced in § 24-1302.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 106 of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

SUBTITLE V. HARBOR, GAME AND FISH LAWS.

CHAPTER 43. GAME AND FISH LAWS.

§ 22-4331. Penalties; prosecutions.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 238 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 44. HARBOR REGULATIONS.

§ 22-4402. Throwing or depositing matter in Potomac River.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 239 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-4404. Penalties for violation of § 22-4403.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 201(x) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE VI. REGULATION AND POSSESSION OF WEAPONS.

CHAPTER 45. WEAPONS AND POSSESSION OF WEAPONS.

§ 22-4501. Definitions.

Section references. — This section is referenced in § 5-113.32, § 7-2508.01, § 16-2305.02, § 16-2333, § 16-4205, § 22-1804a,

§ 22-2104.01, § 22-4504, § 24-221.01b, § 24-403, § 24-403.01, § 24-408, and § 24-921.

CASE NOTES

Operability.

Defendant violated the District of Columbia's regulations by carrying an inoperable BB gun outside a building; carrying or possessing a BB gun outside a building in the District of Columbia violates the regulations without regard to whether the BB gun is operable since the "re-

gardless of operability" language in this statute shows that the District of Columbia legislature has rejected the approach of the case law implying operability as a requirement for conviction. In re D.F., 70 A.3d 240, 2013 D.C. App. LEXIS 390 (2013).

§ 22-4502. Additional penalty for committing crime when armed.

Section references. — This section is referenced in § 4-751.01, § 5-113.32, § 22-4513, § 23-1322, § 24-221.06, § 24-403, § 24-403.01, and § 24-467.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 310 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-4503. Unlawful possession of firearm.

Section references. — This section is referenced in § 7-2502.03, § 7-2507.06a, § 16-801, § 22-4507, § 22-4508, § 22-4510, § 23-1322, § 24-403, § 24-403.01, and § 24-906.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 240(a) and 304 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-4504. Carrying concealed weapons; possession of weapons during commission of crime of violence; penalty.

Section references. — This section is referenced in § 7-2507.06a, § 22-2511, § 22-4505, § 22-4513, § 23-1322, § 24-221.06, § 24-261.02, and § 24-467.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 240(b) and 309(a) of the Criminal Fine Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 22-4514. Possession of certain dangerous weapons prohibited; exceptions.

Section references. — This section is referenced in § 10-503.26, § 16-2301, § 22-951, § 22-4508, § 22-4510, and § 22-4513.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 309(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Attempt.

Pepper spray.

Attempt.

Although remand for a retrial was necessary for the trial court to consider whether defendant's right to confrontation was violated, the evidence was sufficient to support defendant's conviction for attempted possession of a prohibited weapon, in violation of D.C. Code §§ 22-1803 and 22-4514(b), because (1) a police officer testified that defendant's step-sibling, while in an excited state, told the officer that defendant came to the step-sibling, while holding a knife, and told the step-sibling that the step-sibling looked like the step-sibling had been selling drugs and needed a haircut, and that defendant then tried to cut the step-sibling's hair; (2) the

officer testified as to the officer's observations that both defendant and the step-sibling had visible injuries and bloodstained clothes and that there was a trail of blood inside the duplex unit which defendant and the step-sibling shared; and (3) there was photographic evidence. *Best v. United States*, 66 A.3d 1013, 2013 D.C. App. LEXIS 276 (2013).

Pepper spray.

Vacatur of a conviction for attempted possession of a prohibited weapon, in violation of D.C. Code §§ 22-1803 and 22-4514(b), was appropriate because the evidence was insufficient to support a finding that pepper spray was a dangerous weapon within the meaning of attempted possession of a prohibited weapon under D.C. Code §§ 22-1803 and 22-4514(b). *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

§ 22-4515. Penalties.

Section references. — This section is referenced in § 22-4504 and § 22-4514.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 240(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Applied in *Jones v. United States*, 67 A.3d 547, 2013 D.C. App. LEXIS 284 (2013).

§ 22-4515a. Manufacture, transfer, use, possession, or transportation of Molotov cocktails, or other explosives for unlawful purposes, prohibited; definitions; penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 309(c) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 23. CRIMINAL PROCEDURE.

CHAPTER 5. WARRANTS AND ARRESTS.

Subchapter III. Wire Interception and Interception of Oral Communications.

§ 23-542. Interception, disclosure, and use of wire or oral communications prohibited.

Section references. — This section is referenced in § 23-544 and § 23-556.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 283(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 23-543. Possession, sale, distribution, manufacture, assembly, and advertising of wire or oral communication intercepting devices prohibited.

Section references. — This section is referenced in § 23-544 and § 23-556.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 283(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter V. Arrest Without Warrant.

§ 23-581. Arrests without warrant by law enforcement officers.

Section references. — This section is referenced in § 23-524 and § 23-582.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 202 of the Omnibus Criminal Code Amendment Congressional Review Emer-

gency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

For temporary (90 days) amendment of this section, see § 5 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

CHAPTER 7. EXTRADITION AND FUGITIVES FROM JUSTICE.

§ 23-703. Failure to appear.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 283(c) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 11. PROFESSIONAL BONDSMEN.

§ 23-1108. Qualifications of bondsmen; rules to be prescribed by courts; list of agents to be furnished; renewal of authority to act; detailed records to be kept; penalties and disqualifications.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 283(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 23-1110. Designation of official to take bail or collateral when court is not in session; issuance of citations.

Section references. — This section is referenced in § 25-781, § 25-785, and § 25-1002.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 283(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 23-1111. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 283(f) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 13. BAIL AGENCY [PRETRIAL SERVICES AGENCY]
AND PRETRIAL DETENTION.

Subchapter II. Release and Pretrial Detention.

§ 23-1322. Detention prior to trial.

Section references. — This section is referenced in § 23-1321, § 23-1323, § 23-1324, and § 23-1329.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 107(c) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 23-1327. Penalties for failure to appear.

Section references. — This section is referenced in § 16-801, § 23-1303, and § 23-1322.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 283(g) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 23-1328. Penalties for offenses committed during release.

Section references. — This section is referenced in § 23-1303 and § 23-1322.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 311(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 23-1329. Penalties for violation of conditions of release.

Section references. — This section is referenced in § 23-1303 and § 23-1322.

Emergency legislation.

For temporary (90 days) amendment of this

section, see §§ 283(h) and 311(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Double jeopardy.

Defendant's convictions for unlawful entry, D.C. Code § 22-3302 (2001), and criminal contempt, D.C. Code § 23-1329 (2001), did not pass the Blockburger test because the provision of the release order that defendant violated and that supported his contempt conviction was the provision that ordered him to stay away from the premises of 2301 11th Street, and thus, defendant violated his release order when he willfully did not stay away from the premises of 2301 11th Street. The barring notice prohibited defendant from entering the public housing complex, and thus, defendant committed the

offense of unlawful entry when he entered 2301 11th Street, part of the public housing complex, in violation of the barring notice; therefore, because the violated provision of the order, not staying away from the public housing complex building at 2301 11th Street on September 22, 2010, did not require proof of an element that unlawful entry did not also require, defendant's unlawful entry conviction was a replication of the release-order violation and thus, defendant could not be punished for both under the Double Jeopardy Clause of the Fifth Amendment. *Haye v. United States*, 67 A.3d 1025, 2013 D.C. App. LEXIS 66 (2013).

§ 23-1331. Definitions.

Section references. — This section is referenced in § 5-116.01, § 5-132.21, § 7-1301.03, § 7-2501.01, § 16-2310, § 16-2310.01, § 16-2331, § 16-2332, § 16-2333, § 16-4205, § 22-951, § 22-1803, § 22-1805a, § 22-2107, § 22-3215, § 22-3611, § 22-4131, § 22-4501, § 22-4503, § 23-1322, § 23-1323, § 23-1329, § 24-211.07, § 24-403.01, § 24-531.05, § 24-531.08, § 24-531.09, and § 48-1002.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 107(a) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

CHAPTER 19. CRIME VICTIMS' RIGHTS.

§ 23-1905. Definitions.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 107(b) of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

TITLE 24. PRISONERS AND THEIR TREATMENT.

Chapter

1. Transfer of Prison System to Federal Authority.

CHAPTER 1. TRANSFER OF PRISON SYSTEM TO FEDERAL AUTHORITY.

Subchapter I. Corrections

Sec.

24-101. Bureau of Prisons.

Subchapter I. Corrections.

§ 24-101. Bureau of Prisons.

(a) *Felons sentences pursuant to the truth-in-sentencing requirements.* — Not later than October 1, 2001, any person who has been sentenced to incarceration pursuant to the District of Columbia Official Code or the truth-in-sentencing system as described in § 24-111 shall be designated by the Bureau of Prisons to a penal or correctional facility operated or contracted for by the Bureau of Prisons, for such term of imprisonment as the court may direct. Such persons shall be subject to any law or regulation applicable to persons committed for violations of laws of the United States consistent with the sentence imposed.

(b) *Felons sentenced pursuant to the D.C. Code.* — Notwithstanding any other provision of law, not later than December 31, 2001, the Lorton Correctional Complex shall be closed and the felony population sentenced pursuant to the District of Columbia Official Code residing at the Lorton Correctional Complex shall be transferred to a penal or correctional facility operated or contracted for by the Bureau of Prisons. Such persons shall be subject to any law or regulation applicable to persons committed for violations of laws of the United States consistent with the sentence imposed, and the Bureau of Prisons shall be responsible for the custody, care, subsistence, education, treatment and training of such persons.

(c) *Privatization.* —

(1) *Transition of inmates from Lorton.* — The Bureau of Prisons shall house, in private contract facilities:

(A) At least 2000 District of Columbia sentenced felons by December 31, 1999; and

(B) At least 50 percent of the District of Columbia sentenced felony population by September 30, 2003.

(2) *Duties of Deputy Attorney General.* — The Deputy Attorney General shall

(A) Be responsible for overseeing Bureau of Prisons privatization activities; and

(B) Submit a report to Congress on October 1 of each year detailing the progress and status of compliance with privatization requirements.

(3) *Duties of Attorney General.* — The Attorney General shall:

(A) Conduct a study of correctional privatization, including a review of relevant research and related legal issues, and comparative analysis of the cost effectiveness and feasibility of private sector and Federal, State, and local governmental operation of prisons and corrections programs at all security levels; and

(B) Submit a report to Congress no later than one year after August 5, 1997.

(d) *Site acquisition and construction.* — In order to house the District of Columbia felony inmate population the Bureau of Prisons shall acquire land, construct and build new facilities at sites selected by the Bureau of Prisons, or contract for appropriate bed space, but no facilities may be built on the grounds of the Lorton Reservation.

(e) *National capital planning.* — Notwithstanding any other provision of law, the requirements of the National Capital Planning Act of 1952 (40 U.S.C. 71 et seq.) shall not apply to any actions taken by the Bureau of Prisons or its agents or employees.

(f) *Department of Corrections authority.* — The District of Columbia Department of Corrections shall remain responsible for the custody, care, subsistence, education, treatment, and training of any person convicted of a felony offense pursuant to the District of Columbia Official Code and housed at the Lorton Correctional Complex until December 31, 2001, or the date on which the last inmate housed at the Lorton Correctional Complex is designated by the Bureau of Prisons, whichever is earlier.

(g) *Lorton Correctional Complex.* —

(1) *Transfer of functions.* —

(A) Notwithstanding any other provision of law, to the extent the Bureau of Prisons assumes functions of the Department of Corrections under this subchapter, the Department is no longer responsible for such functions and the provisions of §§ 24-211.01 and 24-211.02, that apply with respect to such functions are no longer applicable.

(B) Contingent on the General Services Administration (GSA) receiving the necessary appropriations to carry out the requirements of this paragraph and subsection (g), and notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 471 et seq.), not later than 60 days after the date of enactment of the Lorton Technical Corrections Act of 1998 [Oct. 21, 1998], any property on which the Lorton Correctional Complex is located shall be transferred to the GSA.

(C) Not later than one year after the date of enactment of the Lorton Technical Corrections Act of 1998 [Oct. 21, 1998], Fairfax County shall submit a reuse plan that complies with all requisite approvals to the Administrator of General Services, that aims to maximize use of the land for open space, park land, or recreation, while delineating permissible or required uses, potential development densities, and any time limits on such development factors of the property on which the Lorton Correctional Complex is located.

(D) Not later than 180 days after the date of enactment of the Lorton Technical Corrections Act of 1998 [Oct. 21, 1998], the Secretary of the Interior shall notify GSA of any property it requests to be transferred to the Department of the Interior for the purpose of a land exchange by the United States Fish and Wildlife Service within the Commonwealth of Virginia or such other purposes consistent with the reuse plan developed by Fairfax County as the Secretary may request. The Administrator of General Services shall approve the Secretary's request to the extent that the request is consistent with the reuse plan developed by Fairfax County and does not result in a significant reduction in the marketability or value of any remaining property. The Administrator of General Services shall coordinate with the Secretary of the Interior to resolve any conflicts presented by the Department of the Interior's request and shall transfer the property to the Department of the Interior at no cost.

(E) Any property not transferred to the Department of the Interior under subparagraph (D) shall be disposed of according to paragraphs (2) and (4).

(2) *Transfer of land.* —

(A) *In general.* —

(i) *Fairfax County Water Authority.* — 150 acres of parcel 106-4-001-54 located west of Ox Road (State Route 123) on which the Lorton Correctional Complex is located shall be transferred, without consideration, to the Fairfax County Water Authority of Fairfax, Virginia.

(ii) *Fairfax County Parks Authority.* — Any acres of parcel 106-4-001-54 located west of Ox Road (State Route 123) on which the Lorton Correctional Complex is located not transferred under sub-subparagraph (i) shall be assigned to the Department of the Interior, National Park Service, for conveyance to the Fairfax County Parks Authority for recreational purposes pursuant to the section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. § 484(k)(2) [now see 40 U.S.C. § 550(e)]).

(B) *Condition of transfer.*

(i) *Water services.* — The United States Government shall not transfer any parcels under this paragraph unless the Fairfax County Water Authority certifies that it will continue to provide water services to the Lorton Correctional Complex at the rate it provided water services prior to the transfer.

(ii) *Restriction on transfer.* — No Federal agency may transfer the property under this paragraph until the prospective recipient of the property provides to such agency —

(I) A land description survey suitable for transferring property under Virginia law; and

(II) Any necessary surveys to determine the presence of any hazardous substances, contaminants or pollutants.

(iii) *Lorton Correctional Complex.* — The Lorton Correctional Complex shall remain available for the District of Columbia Department of Corrections to house District of Columbia felony inmates until the last inmate at the Complex has been designated by the Bureau of Prisons or until December 31, 2003 [December 31, 2001], whichever is earlier.

(C) *Authorization.* — The General Services Administration and the National Park Service is authorized to expend any funds necessary to ensure that the transfer or conveyance under subparagraph (A) of this paragraph complies with all applicable environmental and historic preservation laws.

(3) *Water mains.* — Any water mains located on or across the Lorton Correctional Complex on the date of the transfers under paragraph (2) of this subsection, that are owned by the Fairfax County Water Authority and provide water to the public, shall be permitted to remain in place, and shall be operated, maintained, repaired, and replaced by the Fairfax County Water Authority or a successor agency furnishing water to the public in Fairfax County or adjacent jurisdictions, but shall not interfere with operations of the Lorton Correctional Complex.

(4) *Conditions on transfer of Lorton property east of Ox Road (State Route 123).* —

(A) *In General.* — With respect to property east of Ox Road (State Route 123) on which the Lorton Correctional Complex is located, the Administrator of General Services shall—

(i) Cooperate with the District of Columbia Corrections Trustee to determine property necessary for the Trustee to maintain the security of the Lorton Correctional Complex until its closure;

(ii) Prepare a report of title, complete a property description, provide protection and maintenance, conduct an environmental assessment of the property to determine the extent of contamination, complete National Environmental Policy Act of 1969 (42 U.S.C. § 4331 et seq.) and National Historic Preservation Act (16 U.S.C. § 470 et seq.) processes for closure and disposal of the property, and provide an estimate of the cost for remediation and contingent on receiving the necessary appropriations complete the remediation in compliance with applicable federal and state environmental laws;

(iii) Develop a disposition strategy incorporating the Fairfax County reuse plan and the Department of Interior's land transfer request, and resolve conflicts between the plan and the transfer request, or between the reuse plan, the transfer request and the results of the environmental studies;

(iv) Negotiate with any entity that has a lease, agreement, memorandum of understanding, right-of-way, or easement with the District of Columbia to occupy or utilize any parcels of such property on October 1, 1997, to perfect or extend such lease, agreement, memorandum of understanding, right-of-way, or easement;

(v) Transfer any property identified for use for open space, park land, or recreation in the Fairfax County reuse plan to the Northern Virginia Regional Park Authority, the Fairfax County Park Authority, or another public entity, subject to the condition that the recipient use the conveyed property only for open space, park land, or recreation and that the transfer be at fair market value considering the highest and best use of the property to be open space, park land, and recreation;

(vi) Immediately upon completing the remediation required under sub-subparagraph (ii) of this subparagraph (but in no event later than June 1,

2003), transfer any property located south of Silverbrooke Road which is identified for use for educational purposes in the Fairfax County reuse plan to the County, without consideration, subject to the condition that the County use the property only for educational purposes;

(vii) Not later than 60 days after the property is transferred to the General Services Administration, transfer at fair market value the six-acre parcel east of Shirley Highway on Interstate 95 to Amtrak, subject to such terms and conditions as the Administrator determines to be in the best interest of the United States;

(viii) Dispose of any parcels not reserved by the Department of the Interior and not otherwise addressed under this subparagraph at fair market value, subject to such terms and conditions as the Administrator determines to be in the best interest of the United States;

(ix) Deposit any proceeds from the sale of property on which the Lorton Correctional Complex is located into a special fund established in the treasury for purposes of covering real property utilization and disposal related expenses, including environmental compliance and remediation for the Lorton Correctional Complex until all property has been conveyed; and

(x) Deposit any remaining funds in the Policy and Operations appropriation account of the General Services Administration to be used for real property utilization and disposal activities until expended.

(B) *Report.* — Not later than 90 days after the date of the receipt of the Fairfax County reuse plan and the Department of the Interior property transfer request by the Administrator of General Services, the Administrator shall report to the Committees on Appropriations and Government Reform and Oversight of the House of Representatives, and the Committees on Appropriations and Governmental Affairs of the Senate on plans to comply with the terms of this paragraph and any estimated costs associated with compliance.

(C) *Authorization.* — There is authorized to be appropriated such sums as are necessary from the general funds of the Treasury, to remain available until expended, to the Policy and Operations appropriation account of the General Services Administration for the real property utilization and disposal activities in carrying out the provisions of this title.

(5) *Jurisdiction.* — Any property disposed of according to paragraphs (2) and (4) shall be under the jurisdiction of the Commonwealth of Virginia. Any development of such property and any property transferred to the Department of the Interior for exchange purposes shall comply with any applicable planning and zoning requirements of Fairfax County and the Fairfax County reuse plan.

(6) *Meadowood Farm Land Exchange.* —

(A) *In general.* — If, not later than January 15, 2001, Fairfax County, Virginia, agrees to convey fee simple title to the property on Mason Neck in excess of 800 acres depicted on the map dated June 2000, on file in the Office of the Director of the Bureau of Land Management, Eastern States (hereafter in this paragraph referred to as “Meadowood Farm”) to the Secretary of the Interior, then the Administrator of General Services shall agree to convey to Fairfax County, Virginia, fee simple title to the property located at the Lorton

Correctional Complex north of Silverbrook Road, and consisting of more than 200 acres identified in the Fairfax County Reuse Plan, dated July 26, 1999, as land available for residential development in Land Units 1 and 2 (hereafter in this paragraph referred to as the "Laurel Hill Residential Land"), the actual exchange to occur no later than December 31, 2001.

(B) *Terms and conditions.* —

(i) When Fairfax County transfers fee simple title to Meadowood Farm to the Secretary of the Interior, the Administrator of General Services shall simultaneously transfer to the County the Laurel Hill Residential Land.

(ii) The transfer of property to Fairfax County, Virginia, under sub-subparagraph (i) of this subparagraph shall be subject to such terms and conditions that the Administrator of General Services considers to be appropriate to protect the interests of the United States.

(iii) Any proceeds derived from the sale of the Laurel Hill Residential Land by Fairfax County that exceed the County's cost of acquiring, financing (which shall be deemed a County cost from the time of financing of the Meadowood Farm acquisition to the receipt of proceeds of the sale or sales of the Laurel Hill Residential Land until such time as the proceeds of such sale or sales exceed the acquisition and financing costs of Meadowood Farm to the County), preparing, and conveying Meadowood Farm and costs incurred for improving, preparing, and conveying the Laurel Hill Residential Land shall be remitted to the United States and deposited into the special fund established pursuant to paragraph (4)(A)(viii) of this subsection.

(C) *Management of property.* — The property transferred to the Secretary of the Interior under this section shall be managed by the Bureau of Land Management for public use and recreation purposes.

(h) *District of Columbia Corrections Information Council.* — Repealed.

(i) *Timing of inmate transfers.* — As soon as practicable after August 5, 1997, the Director of the Bureau of Prisons shall begin the transferring of inmates to Bureau of Prison or private contract facilities required by this section.

(Aug. 5, 1997, 111 Stat. 734, Pub. L. 105-33, § 11201; Nov. 19, 1997, 111 Stat. 734, Pub. L. 105-100, § 157(e)(2); Oct. 21, 1998, 112 Stat. 2681-600, Pub. L. 105-277, § 141; Oct. 14, 1999, D.C. Law 13-49, § 7, 46 DCR 5153; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, §§ 163, 165; Oct. 13, 2001, D.C. Law 14-29, § 2, 48 DCR 7084; Jan. 30, 2004, D.C. Law 15-62, § 3, 50 DCR 6574; Oct. 2, 2010, D.C. Law 18-233, § 2(a), 57 DCR 4514.)

Section references. — This section is referenced in § 24-102.

Effect of amendments. — Section 141 of Public Law 105-277 redesignated the section's second subsection (g), codified as (g-1), as subsection (h); and redesignated (h) as (i).

Section 163 of Public Law 106-522 added (g)(4)(A)(vi); and redesignated (g)(4)(A)(vi) through (ix) as (g)(4)(A)(vii) through (x), respectively.

Section 165 of Public Law 106-522 added (g)(6).

D.C. Law 14-29 rewrote subsec. (h) which had read:

"(h) District of Columbia Corrections Information Council. —

"(1) Establishment.—There is established a council to be known as the District of Columbia Correction Information Council (hereafter referred to as 'Council').

"(2) Membership.—The Council shall be composed of 3 members appointed as follows: (A) Two individuals appointed by the District of Columbia. (B) One individual appointed by the

Council of the District of Columbia. (3) Compensation.—Members of the Council may not receive pay, allowances, or benefits by reason of their service on the Council. (4) Duties.—The Council shall report to Director of the Bureau of Prisons with advice and information regarding matters affecting the District of Columbia sentenced felon population.”

D.C. Law 15-62 added (h)(4)(B-i).

D.C. Law 18-233 repealed (h).

Legislative history of Law 18-233. — Law 18-233, the “Corrections Information Council Amendment Act of 2010”, was introduced in Council and assigned Bill No. 18-404, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 20, 2010, and May 4, 2010, respectively. Became law without sig-

nature of the Mayor on May 22, 2010, it was assigned Act No. 18-406 and transmitted to both Houses of Congress for its review. D.C. Law 18-233 became effective on October 2, 2010.

Editor’s notes.

Section 3 of D.C. Law 18-233 provided that the act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, but no earlier than June 1, 2011.

According to the Office of the Budget Director, as of Feb. 15, 2012, D.C. Law 18-233 had not been funded. D.C. Law 18-233, § 3, was repealed by D.C. Law 19-168, § 7011.

Section 7016 of D.C. Law 19-168 provided that Sections 7001, 7004, 7007, 7009, 7011, and 7015 of the act shall apply as of June 19, 2012.

PART B.

DEPARTMENT OF CORRECTIONS EMPLOYEE MANDATORY DRUG AND ALCOHOL TESTING.

§ 24-211.23. Testing methodology.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 305 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 305 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

CHAPTER 4. INDETERMINATE SENTENCES AND PAROLES.

Subchapter I. General Provisions.

§ 24-403.01. Sentencing, supervised release, and good time credit for felonies committed on or after August 5, 2000.

Section references. — This section is referenced in § 22-722, § 22-1804a, § 22-2001, § 22-2101, § 22-2102, § 22-2103, § 22-2104, § 22-2803, § 22-3002, § 22-3008, § 22-4502, and § 22-4515a.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 312 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 5A. EVALUATION AND TREATMENT OF INCOMPETENT DEFENDANTS.

§ 24-531.01. Definitions.

Section references. — This section is referenced in § 16-2307.

CASE NOTES

ANALYSIS

Competence.

Competency finding upheld.

Competence.

Record supported the finding that defendant failed to prove by a preponderance of the evidence that he was not competent to stand trial because the report of two doctors stated that it seemed apparent that defendant was able to assist his attorney with the case; in crediting the doctors' opinion, the trial court remarked that their views were entitled to great weight because, in addition to reviewing defendant's files, they studied the transcript and listened to the audio recording of his trial. *Hooker v. United States*, 70 A.3d 1197, 2013 D.C. App. LEXIS 410 (2013).

Competency finding upheld.

Trial court did not violate the District of Columbia Incompetent Defendants Criminal Commitment Act of 2004 (Act), D.C. Code § 24-531.01 et seq., or the Due Process Clauses of the Fifth and Fourteenth Amendments, U.S.

Const. amends. V and XIV, in ruling that defendant was competent to stand trial where: (1) despite the initial evaluations of incompetency and defendant's deterioration during his stays at the jail, he evidently responded favorably to the inpatient treatment and medication provided at a hospital to help him attain competency; (2) having arranged for defendant to remain at the hospital instead of returning him to the jail, the judge had reason to believe defendant would maintain competency through the trial; (3) defendant and his counsel did not shoulder the burden of proving otherwise; and (4) while the Act stated that the court shall hold a hearing, the procedure could be modified with the parties' consent, and neither party objected so the court, without holding a hearing, could enter an order adjudicating defendant to be competent based upon the certification of the examining psychiatrist. *Hargraves v. United States*, 62 A.3d 107, 2013 D.C. App. LEXIS 69 (2013), writ of certiorari denied by 134 S. Ct. 277, 187 L. Ed. 2d 200, 2013 U.S. LEXIS 6454, 82 U.S.L.W. 3187 (U.S. 2013).

§ 24-531.03. Competence examinations.

Section references. — This section is referenced in § 24-531.02 and § 24-531.09.

CASE NOTES

Retrospective competency examination.

Trial court's decision to order a retrospective competency examination was a proper exercise of its discretion because at no point was it required or even permitted to rely exclusively on the "incompetency" conclusion in a psychologist's preliminary screening report; at the time

the trial court ordered the retrospective examination, the time that had passed since defendant's trial was not so long as to call into question the feasibility of a retrospective examination. *Hooker v. United States*, 70 A.3d 1197, 2013 D.C. App. LEXIS 410 (2013).

§ 24-531.06. Court hearings during and after treatment.

Section references. — This section is referenced in § 24-531.04, § 24-531.05, § 24-531.07, and § 24-531.09.

CASE NOTES

Competency finding upheld.

Trial court did not violate the District of Columbia Incompetent Defendants Criminal Commitment Act of 2004 (Act), D.C. Code § 24-531.01 et seq., or the Due Process Clauses of the Fifth and Fourteenth Amendments, U.S. Const. amends. V and XIV, in ruling that defendant was competent to stand trial where: (1) despite the initial evaluations of incompetency and defendant's deterioration during his stays at the jail, he evidently responded favorably to the inpatient treatment and medication provided at a hospital to help him attain competency; (2) having arranged for defendant to remain at the hospital instead of returning him

to the jail, the judge had reason to believe defendant would maintain competency through the trial; (3) defendant and his counsel did not shoulder the burden of proving otherwise; and (4) while the Act stated that the court shall hold a hearing, the procedure could be modified with the parties' consent, and neither party objected so the court, without holding a hearing, could enter an order adjudicating defendant to be competent based upon the certification of the examining psychiatrist. *Hargraves v. United States*, 62 A.3d 107, 2013 D.C. App. LEXIS 69 (2013), writ of certiorari denied by 134 S. Ct. 277, 187 L. Ed. 2d 200, 2013 U.S. LEXIS 6454, 82 U.S.L.W. 3187 (U.S. 2013).

TITLE 25. ALCOHOLIC BEVERAGES.

CHAPTER 1. GENERAL PROVISIONS AND CLASSIFICATION OF LICENSES.

Subchapter I. General Provisions.

§ 25-101. Definitions.

Section references. — This section is referenced in § 7-742, § 7-745, § 7-1702, § 7-1708, § 25-112, § 25-113, and § 25-723.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 284(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act

20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 2(a) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter II. Classification of Licenses and Permits.

§ 25-110. Manufacturer's licenses.

Emergency legislation.

For temporary (90 days) amendment of the subchapter II heading, see § 2(b) of the Omnibus Alcoholic Beverage Regulation Congressio-

nal Review Emergency Amendment Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-112. Off-premises retailer's licenses.

Section references. — This section is referenced in § 2-1212.01, § 8-102.01, and § 25-332.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(c) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-113. On-premises retailer's licenses.

Section references. — This section is referenced in § 7-743, § 8-102.01, § 25-101, § 25-112, § 25-830, and § 47-2404.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(d) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-115. Temporary license requirements and qualifications.

Section references. — This section is referenced in § 1-309.10 and § 25-104.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(e) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-117. Brew pub permit requirements and qualifications.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(f) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-124. Wine pub permit requirements and qualifications.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(g) of the Omnibus Alcoholic Beverage Regulation

Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CHAPTER 2. ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION.

§ 25-212. New licensee and general public orientation class.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(h) of the Omnibus Alcoholic Beverage Regulation

Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CHAPTER 3. REQUIREMENTS TO QUALIFY FOR LICENSE.

Subchapter I. Applicant Qualifications.

§ 25-301. General qualifications for all applicants.

Section references. — This section is referenced in § 25-316, § 25-402, § 25-405, § 25-406, and § 25-410.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(i) of the Omnibus Alcoholic

Beverage Regulation Congressional Review
Emergency Act of 2013 (D.C. Act 20-52, April
22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter II. Qualification of Establishment.

§ 25-315. Additional considerations for renewal of licenses.

Section references. — This section is referenced in § 25-313, § 25-316, and § 25-433.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(j) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter III. Denial of License.

§ 25-332. Moratorium on class B licenses.

Section references. — This section is referenced in § 25-112.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(k) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter VI. Moratorium on Establishments Which Permit Nude Dancing.

§ 25-374. Transfer of location of establishments which permit nude dancing.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(l) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CHAPTER 4. APPLICATION AND REVIEW PROCESSES.

Subchapter I. Application Requirements.

§ 25-402. New license application for manufacturer, wholesaler, or retailer.

Section references. — This section is referenced in § 25-404 and § 25-433.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(m) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-403. License renewal application for manufacturer, wholesaler, or retailer.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(n) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter II. Notice of Application Proceedings.

§ 25-421. Notice by Board.

Section references. — This section is referenced in § 25-353, § 25-423, and § 25-446.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(o) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter III. Review of License Applications.

§ 25-432. Standard review procedures.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(p) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-433. Decisions of the board; petition for reconsideration.

Section references. — This section is referenced in § 25-432.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(q) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-434. Influencing the application process.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 284(a) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter IV. Review and Resolution Procedures.

§ 25-446. Settlement agreements; approval process; penalties for violations.

Section references. — This section is referenced in § 25-432 and § 25-722.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(r) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-446.01. Settlement agreements — enforceable provisions.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(s) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-446.02. Settlement agreements — unenforceable provisions.

Section references. — This section is referenced in § 25-446.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(s) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CHAPTER 5. ANNUAL FEES.

§ 25-501. Annual fees.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(t) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CHAPTER 6. PROTESTS, REFERENDUM, AND COMPLAINTS.

§ 25-601. Standing to file protest against a license.

Section references. — This section is referenced in § 25-211, § 25-351, § 25-421, § 25-601.01, § 25-602, and § 25-609.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(u) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-601.01. Certain documents to be made available.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(v) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-609. ANÇ comments.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(w) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CHAPTER 7. STANDARDS OF OPERATION.

Subchapter II. Posting of Signs.

§ 25-711. Posting and carrying of licenses.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(x) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter III. Hours; Noise Restrictions; Control of Litter.

§ 25-722. Hours of sale and delivery for off-premises retail licensees.

Section references. — This section is referenced in § 25-123.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(y) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-723. Hours of sale and service for on-premises retail licensees and temporary licensees.

Section references. — This section is referenced in § 25-725 and § 25-827.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(z) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-724. Board authorized to further restrict hours of operation.

Section references. — This section is referenced in § 25-123 and § 25-723.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(aa) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-725. Noise from licensed premises.

Section references. — This section is referenced in § 25-123 and § 25-313.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(bb) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

Subchapter VIII. Reporting; Importation.

§ 25-772. Unlawful importation of beverages.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 284(b) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter IX. Minors and Intoxicated Persons.

§ 25-783. Production of valid identification document required; penalty.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(cc) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-785. Delivery, offer, or otherwise making available to persons under 21; penalties.

Section references. — This section is referenced in § 7-403.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 113(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter X. Temporary Surrender of License — Safekeeping.

§ 25-791. Temporary surrender of license — Safekeeping.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(dd) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

CASE NOTES

Renewal.

Citizen's appeal of an order granting an owner's request to renew a liquor license for its nude dancing club under D.C. Code § 25-791(f) was dismissed because the citizen lacked standing to challenge the renewal of the owner's license; the citizen's allegations were gen-

eralized grievances; and the citizen failed to allege any actual or imminent injuries. *Padou v. D.C. Alcoholic Bev. Control Bd.*, 70 A.3d 208, 2013 D.C. App. LEXIS 151 (2013), appeal dismissed by 2013 D.C. App. LEXIS 244 (D.C. Mar. 5, 2013).

CHAPTER 8. ENFORCEMENT, INFRACTIONS, AND PENALTIES.

Subchapter II. Revocation, Suspension, and Civil Penalties.

§ 25-823. Prompt notice of investigative reports.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(ee) of the Omnibus Alcoholic

Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-826. Summary revocation or suspension.

Section references. — This section is referenced in § 25-821 and § 25-827.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(ff) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-830. Civil penalties.

Section references. — This section is referenced in § 25-113, § 25-797, § 25-801, and § 25-823.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(gg) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 25-831. Penalty for violation where no specific penalty provided; additional penalty for failure to perform certain required acts.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 284(c) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 10. LIMITATIONS ON CONSUMERS.

§ 25-1004. Prohibition on use of watercraft under certain conditions. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 25-1005. Prohibition on use of watercraft under certain conditions — consent to testing. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 25-1006. Prohibition on use of watercraft under certain conditions — Preliminary testing; admissibility of test results. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 25-1007. Prohibition on use of watercraft under certain conditions — Penalties. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 25-1008. Prima facie evidence of intoxication. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 25-1009. Operation of locomotive, streetcar, elevator, or horse-drawn vehicle by intoxicated person prohibited. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 302 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

TITLE 26. BANKS AND OTHER FINANCIAL INSTITUTIONS.

Chapter

5B. Administration of the Banking Code.

CHAPTER 5B. ADMINISTRATION OF THE BANKING CODE.

Subchapter IV. Investigation, Examination, and Enforcement Powers of the Commissioner

Sec.

26-551.20. Judicial review.

Subchapter IV. Investigation, Examination, and Enforcement Powers of the Commissioner.

§ 26-551.20. Judicial review.

(a) Within 10 days after service of a temporary cease and desist order, a financial institution or other party named in the temporary cease and desist order may apply to the Superior Court of the District of Columbia for an injunction to set aside, limit, or suspend the order.

(b) A final order or a final cease and desist order issued under this chapter shall be reviewable by the Superior Court of the District of Columbia. The review of the final order or the final cease and desist order shall be confined to the record of the hearing conducted under § 26-551.13 and to a determination of whether the Commissioner's order was arbitrary or capricious.

(c) In addition to any temporary cease and desist order, final order, or final cease and desist order issued by the Commissioner pursuant to subsections (a) and (b) of this section, any final order of the Commissioner or final action of the Department shall be subject to review by the Superior Court of the District of Columbia, unless the final order or final agency action is appealable to the District of Columbia Court of Appeals pursuant to § 2-510.

(June 9, 2001, D.C. Law 13-308, § 120, 48 DCR 3244; Nov. 5, 2013, D.C. Law 20-40, § 3, 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 added subsection (c).

Legislative history of Law 20-40. — Law 20-40, the "Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarification Amendment Act of 2013", was introduced in Council and assigned Bill No. 20-268. The Bill was adopted on first and second readings

on June 26, 2013 and July 10, 2013, respectively. Signed by the Mayor on Aug. 20, 2013, it was assigned Act No. 20-156 and transmitted to Congress for its review. D.C. Law 20-40 became effective on Nov. 5, 2013.

Editor's notes. — Applicability of D.C. Law 20-40: Section 8 of D.C. Law 20-40 provided that §§ 2 and 3 of the act shall apply as of November 7, 2011.

TITLE 27. CIVIL RECOVERY BY MERCHANTS, CONTRACTORS, AND SUBCONTRACTORS.

Chapter

1. Merchant's Civil Recovery for Criminal Conduct.

CHAPTER 1. MERCHANT'S CIVIL RECOVERY FOR CRIMINAL CONDUCT.

Subchapter II. Private Contractor and Subcontractor Prompt Payment

Sec.

27-131. Definitions.

27-132. Prompt payments to contractors.

27-133. Failure to make prompt payments to a contractor.

Sec.

27-134. Prompt payments to subcontractors.

27-135. Failure to make prompt payments to a subcontractor.

27-136. Applicability.

Subchapter I. Merchant's Civil Recovery for Criminal Conduct.

§ 27-101. Definitions.

Editor's notes. — Because of the codification of D.C. Law 20-34 as subchapter II of this chapter, the preexisting text, §§ 27-101 through 27-106, has been designated as sub-

chapter I; and "subchapter" has been substituted for "chapter" in the introductory language of this section.

Subchapter II. Private Contractor and Subcontractor Prompt Payment.

§ 27-131. Definitions.

For the purposes of this subchapter, the term:

(1) "Contract" means:

(A) A construction contract that is an agreement of any kind of nature, express or implied, to provide labor or materials, or both, for demolition, building, renovation, alteration, or maintenance of buildings, roadways, and structures; or

(B) A food service contract that is an agreement of any kind of nature, express or implied, for doing work or furnishing materials, or both.

(2) "Contractor" means a person, entity, or business that has a contract with an owner.

(3) "Subcontractor" means:

(A) A person, entity, or business that has a contract with a contractor;

(B) A person, entity, or business that has a contract with a subcontractor; or

(C) A person, entity, or business that performs work on a construction site for a contractor or another subcontractor or that fabricates materials off-site, from plans and specifications unique to the project, for installation on the construction site.

(4) "Owner" means an owner of the property or a tenant; provided, that the tenant enters into contract with a contractor. The term "owner" does not include a District agency as that term is defined in § 2-221.01(3).

(5) "Undisputed amount" means an amount owed on a contract or a subcontract for which there is no good-faith dispute, including any retainage withheld.

(Nov. 5, 2013, D.C. Law 20-34, § 2, 60 DCR 11812.)

Legislative history of Law 20-34. — Law 20-34, the "Private Contractor and Subcontractor Prompt Payment Act of 2013," was introduced in Council and assigned Bill No. 20-145. The Bill was adopted on first and second read-

ings on June 26, 2013, and July 10, 2013, respectively. Signed by the Mayor on August 2, 2013, it was assigned Act No. 20-148 and transmitted to Congress for its review. D.C. Law 20-34 became effective on November 5, 2013.

§ 27-132. Prompt payments to contractors.

(a) If a construction contract between an owner and contractor does not provide for specific dates and times of payment, the owner shall pay to the contractor undisputed amounts owed under the terms of the written contract within the earlier of:

(1) 15 days after the day on which the occupancy permit is granted;

(2) 15 days after the day on which the owner or the owner's agent takes possession; or

(3) 15 days after an owner receives a contractor's payment request.

(b) If a food service contract between an owner and contractor does not provide for specific dates and times of payment, the owner shall pay to the contractor undisputed amounts owed under the terms of the written contract within the earlier of:

(1) 15 days after the day on which the owner or the owner's agent takes possession; or

(2) 15 days after an owner receives a contractor's payment request.

(c) If a contract provides for specific dates or times of payment, the owner shall pay to the contractor undisputed amounts owed within 7 days after the date or time specified in the contract.

(Nov. 5, 2013, D.C. Law 20-34, § 3, 60 DCR 11812.)

Legislative history of Law 20-34. — See note to § 27-131.

§ 27-133. Failure to make prompt payments to a contractor.

If an owner fails to make prompt payments to a contractor as required by section 3, the owner shall:

(1) Pay interest of 1.5% per month or any part of a month to the contractor on any undisputed amount not paid on time to the contractor; and

(2) If a contractor prevails in a civil action to collect interest penalties from an owner, the contractor shall be awarded its costs and disbursements, including reasonable attorney's fees, incurred in bringing the action.

(Nov. 5, 2013, D.C. Law 20-34, § 4, 60 DCR 11812.)

Legislative history of Law 20-34. — See note to § 27-131.

§ 27-134. Prompt payments to subcontractors.

(a) If a contract is between a contractor and subcontractor, or between a first-tier subcontractor and a second-tier subcontractor, the contractor or subcontractor shall pay undisputed amounts owed to its subcontractor within 7 days after receipt by the contractor or subcontractor of each payment received for its subcontractors' work or materials.

(b) Notwithstanding subsection (a) of this section, conditions of payment to the subcontractor on receipt by the contractor of payment from the owner may not abrogate or waive the right of the subcontractor to:

- (1) Claim a mechanics' lien; or
- (2) Sue on a contractor's bond.

(c) Any provision of a contract made in violation of subsection (b) of this section is void as against the public policy of the District.

(Nov. 5, 2013, D.C. Law 20-34, § 5, 60 DCR 11812.)

Section references. — This section is referenced in § 27-135.

Legislative history of Law 20-34. — See note to § 27-131.

§ 27-135. Failure to make prompt payments to a subcontractor.

If a contractor fails to make prompt payments to a subcontractor as required by § 27-134, or a first-tier subcontractor fails to make prompt payments to a second-tier subcontractor, the contractor or subcontractor shall:

(1) Pay interest of 1.5% per month or any part of a month to the subcontractor on any undisputed amount not paid on time to the subcontractor; and

(2) If the subcontractor prevails in a civil action to collect interest penalties from a contractor or first-tier subcontractor, the subcontractor shall be awarded its costs and disbursements, including reasonable attorney's fees, incurred in bringing the action.

(Nov. 5, 2013, D.C. Law 20-34, § 6, 60 DCR 11812.)

Legislative history of Law 20-34. — See note to § 27-131.

§ 27-136. Applicability.

This subchapter shall apply to all contracts entered into on or after October 1, 2013.

(Nov. 5, 2013, D.C. Law 20-34, § 7, 60 DCR 11812.)

Legislative history of Law 20-34. — See note to § 27-131.

TITLE 28. COMMERCIAL INSTRUMENTS AND TRANSACTIONS.

SUBTITLE II. OTHER COMMERCIAL TRANSACTIONS.

CHAPTER 23. ASSIGNMENT OF CHOSSES IN ACTION.

§ 28-2305. Contract to assign future salary or wages.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 285(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 33. INTEREST AND USURY.

§ 28-3301. Rate of interest expressed in contract.

Section references. — This section is referenced in § 28-9-201, § 28-3303, § 28-3311, § 31-1101, § 42-2403, and § 47-2884.10.

CASE NOTES

Investment activity or investment property.

Plaintiff borrower's real estate transaction with defendant lenders did not fall under the D.C. Consumer Protections Act, D.C. Code § 28-3904, or D.C. usury laws, D.C. Code § 28-

3312, as she purchased the property for investment purposes rather than for personal, household, or family use as required by D.C. Code § 28-3301. *Bakeir v. Capital City Mortg. Corp.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28745 (D.D.C. Mar. 4, 2013).

§ 28-3312. Unlawful practices.

Section references. — This section is referenced in § 28-3301.

CASE NOTES

Consumer credit transaction requirement.

Plaintiff borrower's real estate transaction with defendant lenders did not fall under the D.C. Consumer Protections Act, D.C. Code § 28-3904, or D.C. usury laws, D.C. Code § 28-

3312, as she purchased the property for investment purposes rather than for personal, household, or family use as required by D.C. Code § 28-3301. *Bakeir v. Capital City Mortg. Corp.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28745 (D.D.C. Mar. 4, 2013).

§ 28-3313. Penalties.

Section references. — This section is referenced in § 28-3301.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 285(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 35. STATUTE OF FRAUDS.

§ 28-3504. New promise or acknowledgment of contract — Action against joint contractors.

CASE NOTES

Time limitations.

Attorney's counterclaim against the Nigerian Embassy sufficiently pleaded facts that would support a continuing contract between the attorney and the Embassy, so that the Embassy's

motion to dismiss the counterclaim on the basis of the statute of limitations was denied. *Embassy of the Fed. Republic of Nig. v. Ugwuonye*, 901 F. Supp. 2d 136, 2012 U.S. Dist. LEXIS 157992 (D.D.C. Nov. 5, 2012).

CHAPTER 38. CONSUMER PROTECTIONS.

Subchapter I. General.

§ 28-3817. Health spa sales.

Section references. — This section is referenced in § 28-3909.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 285(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 39. CONSUMER PROTECTION PROCEDURES.

§ 28-3901. Definitions and purposes.

Section references. — This section is referenced in § 1-350.10, § 28-3301, and § 28-3905.

CASE NOTES

Consumer transactions.

Though the District of Columbia Consumer Protection Procedures Act (CPPA), D.C. Code § 28-3901 et seq., claims in the complaint arose out of an insurance policy obtained by defendant mortgagee in connection with plaintiff's

business, the plaintiff failed to allege facts sufficient to show her CPPA claims arose from a consumer transaction, therefore all of plaintiff's CPPA claims were dismissed. *Cannon v. Wells Fargo Bank, N.A.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 27927 (D.D.C. Mar. 1, 2013).

§ 28-3903. Powers of the consumer protection agency.

Section references. — This section is referenced in § 28-3905, § 28-3906, and § 28-4002.

CASE NOTES

Landlord-tenant claims.

Plaintiffs' claim that their landlord's practices in leasing parking spots at their apartment complex violated the District of Columbia Consumer Protection Procedures Acts was not a landlord-tenant claim barred by D.C. Code § 28-3903(c)(2)(A); although plaintiffs were apartment residents, all customers of the landlord's parking facility could bring a similar claim. *Chaney v. Capitol Park Assocs.*, — WLR

—, 2013 D.C. Super. LEXIS 2 (Mar. 11, 2013).

Because the District of Columbia's Consumer Protection Procedures Act specifically excluded the professional services of lawyers from its purview, the trial court properly dismissed a client's count brought against a law firm. *Pietrangelo v. Wilmer Cutler Pickering Hale & Dorr, LLP*, 68 A.3d 697, 2013 D.C. App. LEXIS 154 (2013).

§ 28-3904. Unlawful trade practices.

Section references. — This section is referenced in § 16-4431, § 28-3905, § 28-3909, § 28-4006, and § 38-1312.

CASE NOTES

ANALYSIS

Foreclosures.

Insurance contracts and policies.

Misleading representations.

Pleadings.

Real estate transactions.

Standing.

Foreclosures.

Borrower's claim of wrongful foreclosure brought under the D.C. Consumer Protection Procedures Act, D.C. Code § 28-3904 (2001), was time barred pursuant to D.C. Code § 12-301 because the claim accrued when the lender initiated foreclosure proceedings on February 13, 2009, and the borrower filed suit on March 21, 2009, which was more than three years after the claim accrued. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Where a borrower's claim of wrongful foreclosure brought under the D.C. Consumer Protection Procedures Act, D.C. Code § 28-3904 (2001), was time-barred pursuant to D.C. Code § 12-301, equitable estoppel was inapplicable because the allegations of the complaint indicated that the borrower had all the facts necessary to bring her claim when the foreclosure proceedings were initiated. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Where a borrower's claim of wrongful foreclosure brought under the D.C. Consumer Protec-

tion Procedures Act, D.C. Code § 28-3904 (2001), was time-barred pursuant to D.C. Code § 12-301, the discovery rule was inapplicable because the fact of the borrower's injury was readily determined since the injury was based on initiation of foreclosure proceedings and thus, the claim accrued when the injury actually occurred. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Insurance contracts and policies.

Plaintiff alleged that defendant insurers violated D.C. Code § 28-3904(u) based on the allegedly excessive premium for a policy obtained by defendant mortgagee, but subsection (u) applied only to representations that the subject of a transaction had been supplied in accordance with a previous representation when it had not, so the complaint failed to state a claim to relief that was plausible on its face. *Cannon v. Wells Fargo Bank, N.A.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 27927 (D.D.C. Mar. 1, 2013).

Misleading representations.

While a notice was material because a significant number of unsophisticated consumers could find the information in the notice important in determining a course of action regarding their purchase of a condominium unit, the actual determination of whether the notice would be both material and misleading with respect to the unit owners who did not receive

it, or who questioned whether they received it, was a question of fact for the jury and not a question of law for the court. *Saucier v. Countrywide Home Loans*, 64 A.3d 428, 2013 D.C. App. LEXIS 164 (2013).

Summary judgment in favor of a mortgage company as to the condominium unit owners' claims under D.C. Code § 28-3904(e) was proper since the unit owners failed to establish that the mortgage company and bank made an affirmative or implied misrepresentation, and hence, they could not prevail on their subsection (e) claim. *Saucier v. Countrywide Home Loans*, 64 A.3d 428, 2013 D.C. App. LEXIS 164 (2013).

Pleadings.

D.C. Code § 28-3904(f) does not require a plaintiff to plead and to prove a duty to disclose information. *Saucier v. Countrywide Home Loans*, 64 A.3d 428, 2013 D.C. App. LEXIS 164 (2013).

Real estate transactions.

Plaintiff borrower's real estate transaction

with defendant lenders did not fall under the D.C. Consumer Protections Act, D.C. Code § 28-3904, or D.C. usury laws, D.C. Code § 28-3312, as she purchased the property for investment purposes rather than for personal, household, or family use as required by D.C. Code § 28-3301. *Bakeir v. Capital City Mortg. Corp.*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 28745 (D.D.C. Mar. 4, 2013).

Standing.

Condominium association established that it suffered an injury-in-fact through the testimony of its corporate designee as to the amount the association paid for a new roof, and through the confirming statement of the appraisal expert that the association paid approximately \$60,000 to replace the roof where the funds used to pay for the roof replacement came from fees paid to the condominium association by unit owners; thus, the sum paid represented a concrete, actual injury. *Saucier v. Countrywide Home Loans*, 64 A.3d 428, 2013 D.C. App. LEXIS 164 (2013).

CHAPTER 45. RESTRAINTS OF TRADE.

§ 28-4505. Civil investigative demand.

Section references. — This section is referenced in § 2-534 and § 28-4513.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 285(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 28-4506. Criminal enforcement by the District of Columbia.

Section references. — This section is referenced in § 28-4510 and § 28-4511.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 285(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 46. CONSUMER CREDIT SERVICE ORGANIZATIONS.

§ 28-4607. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 285(f) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TITLE 29. BUSINESS ORGANIZATIONS.

Chapter

6. General Partnerships.

CHAPTER 6. GENERAL PARTNERSHIPS.

Subchapter IV. Relations of Partners to Each Other and to Partnership

Sec.

29-604.02. Becoming partner.

29-604.06. Partner's rights and duties with respect to information.

29-604.07. General standards of partner's conduct.

Sec.

29-604.08. Actions by partnership and partners.

29-604.09. Continuation of partnership beyond definite term or particular undertaking.

Subchapter IV. Relations of Partners to Each Other and to Partnership.

§ 29-604.02. Becoming partner.

(a) Upon formation of a partnership under § 29-602.02(a), a person becomes a partner.

(b) After formation of a partnership, a person becomes a partner:

(1) As provided in the partnership agreement;

(2) As a result of a transaction effective under Subchapter [subchapter] IX of this chapter or Chapter 2 of this title; or

(3) With the consent of all the partners.

(c) A person may become a partner without:

(1) Acquiring a transferable interest; or

(2) Making or being obligated to make a contribution to the partnership.

(July 2, 2011, D.C. Law 18-378, § 2, 58 DCR 1720; Mar. 5, 2013, D.C. Law 19-210, § 2(f)(4)(B), (D), 59 DCR 13171.)

Section references. — This section is referenced in § 29-601.02.

Effect of amendments. — The 2013 amendment by D.C. Law 19-210 rewrote the section, which formerly read: "Distributions in

kind. A partner shall have no right to receive, and shall not be required to accept, a distribution in kind."

Legislative history of Law 19-210. — See note to § 29-601.02.

§ 29-604.06. Partner's rights and duties with respect to information.

(a) A partnership shall keep its books and records, if any, at its principal office.

(b) A partnership shall provide partners and their agents and attorneys access to its books and records. It shall provide former partners and their agents and attorneys access to books and records pertaining to the period during which they were partners. The right of access provides the opportunity

to inspect and copy books and records during ordinary business hours. A partnership may impose a reasonable charge, covering the costs of labor and material, for copies of documents furnished.

(c) Each partner and the partnership shall furnish to a partner, and to the legal representative of a deceased partner or partner under legal disability:

(1) Without demand, any information concerning the partnership's business [activities] and affairs reasonably required for the proper exercise of the partner's rights and duties under the partnership agreement or this chapter; and

(2) On demand, any other information concerning the partnership's business [activities] and affairs, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

(July 2, 2011, D.C. Law 18-378, § 2, 58 DCR 1720; Mar. 5, 2013, D.C. Law 19-210, §§ 2(f)(4)(C), (D), 59 DCR 13171.)

Section references. — This section is referenced in § 29-605.05.

Prior Codifications.

2001 Ed., § 29-604.03.

Effect of amendments. — The 2013 amendment by D.C. Law 19-210 redesignated

former § 20-604.03 as § 29-604.06; and apparently intended to substitute "activities" for "business" twice in (c).

Legislative history of Law 19-210. — See note to § 29-601.02.

§ 29-604.07. General standards of partner's conduct.

(a) The only fiduciary duties a partner owes to the partnership and the other partners are the duty of loyalty and the duty of care set forth in subsections (b) and (c) of this section.

(b) A partner's duty of loyalty to the partnership and the other partners include the following:

(1) To account to the partnership and hold as trustee for it any property, profit, or benefit derived by the partner in the conduct and winding up of the partnership business or derived from a use by the partner of partnership property, including the appropriation of a partnership opportunity;

(2) To refrain from dealing with the partnership in the conduct or winding up of the partnership business as or on behalf of a party having an interest adverse to the partnership; and

(3) To refrain from competing with the partnership in the conduct of the partnership business before the dissolution of the partnership.

(c) A partner's duty of care to the partnership and the other partners in the conduct and winding up of the partnership business shall be limited to refraining from engaging in grossly negligent or reckless conduct, intentional misconduct, or a knowing violation of law.

(d) A partner shall discharge the duties to the partnership and the other partners under this chapter or under the partnership agreement and exercise any rights consistently with the obligation of good faith and fair dealing.

(e) A partner does not violate a duty or obligation under this chapter or under the partnership agreement merely because the partner's conduct furthers the partner's own interest.

(f) A partner may lend money to and do other business with the partnership, and, as to each loan or transaction, the rights and obligations of the partner shall be the same as those of a person that is not a partner, subject to other applicable law.

(g) This section shall apply to a person winding up the partnership business as the personal or legal representative of the last surviving partner as if the person were a partner.

(h) All the partners may authorize or ratify, after full disclosure of all material facts, a specific act or transaction that otherwise would violate the duty of loyalty.

(i) It is a defense to a claim under subsection (b)(2) of this section and any comparable claim in equity or at common law that the transaction was fair to the partnership.

(j) If, as permitted by subsection (f) of this section or the partnership agreement, a partner enters into a transaction with the partnership which otherwise would be prohibited by subsection (b)(2) of this section, the partner's rights and obligations arising from the transaction are the same as those of a person that is not a partner.

(July 2, 2011, D.C. Law 18-378, § 2, 58 DCR 1720; Mar. 5, 2013, D.C. Law 19-210, §§ 2(f)(4)(C), (E), 59 DCR 13171.)

Section references. — This section is referenced in § 29-601.04, § 29-604.01, and § 29-610.03.

Prior Codifications.

2001 Ed., § 29-604.04.

Effect of amendments. — The 2013 amendment by D.C. Law 19-210 redesignated

former § 20-604.04 as § 29-604.07; substituted “include” for “shall be limited to” in (b); substituted “does” for “shall” in (e); and added (h), (i), and (j).

Legislative history of Law 19-210. — See note to § 29-601.02.

§ 29-604.08. Actions by partnership and partners.

(a) A partnership may maintain an action against a partner for a breach of the partnership agreement, or for the violation of a duty to the partnership, causing harm to the partnership.

(b) A partner may maintain an action against the partnership or another partner for legal or equitable relief, with or without an accounting as to partnership business, to enforce the:

- (1) Partner's rights under the partnership agreement;
- (2) Partner's rights under this chapter, including:

(A) The partner's rights under § 29-604.01, § 29-604.03, or § 29-604.04;

(B) The partner's right on dissociation to have the partner's interest in the partnership purchased pursuant to § 29-607.01 or enforce any other right under subchapter VI or VII of this chapter; or

(C) The partner's right to compel a dissolution and winding up of the partnership business under § 29-608.01 or enforce any other right under subchapter VIII of this chapter; or

(3) Rights and otherwise protect the interests of the partner, including rights and interests arising independently of the partnership relationship.

(c) The accrual of, and any time limitation on, a right of action for a remedy under this section shall be governed by other law. A right to an accounting upon a dissolution and winding up shall not revive a claim barred by law.

(July 2, 2011, D.C. Law 18-378, § 2, 58 DCR 1720; Mar. 5, 2013, D.C. Law 19-210, § 2(f)(4)(C), 59 DCR 13171.)

Prior Codifications.

2001 Ed., § 29-604.05.

Effect of amendments. — The 2013 amendment by D.C. Law 19-210 redesignated former § 20-604.05 as § 29-604.08.

Legislative history of Law 19-210. — See

note to § 29-601.02.

§ 29-604.09. Continuation of partnership beyond definite term or particular undertaking.

(a) If a partnership for a definite term or particular undertaking is continued, without an express agreement, after the expiration of the term or completion of the undertaking, the rights and duties of the partners shall remain the same as they were at the expiration or completion, so far as is consistent with a partnership at will.

(b) If the partners, or those of them who habitually acted in the business during the term or undertaking, continue the business without any settlement or liquidation of the partnership, they shall be presumed to have agreed that the partnership will continue.

(July 2, 2011, D.C. Law 18-378, § 2, 58 DCR 1720; Mar. 5, 2013, D.C. Law 19-210, § 2(f)(4)(C), 59 DCR 13171.)

Prior Codifications.

2001 Ed., § 29-604.06.

Effect of amendments. — The 2013 amendment by D.C. Law 19-210 redesignated former § 20-604.06 as § 29-604.09.

Legislative history of Law 19-210. — See

note to § 29-601.02.

TITLE 31. INSURANCE AND SECURITIES.

SUBTITLE II. REGULATION OF INSURANCE INDUSTRY GENERALLY.

Chapter

11A. Insurance Producers.

SUBTITLE III. FIRE, CASUALTY, MARINE, MOTOR VEHICLE AND RELATED INSURANCE.

25. Fire, Casualty, and Marine Insurance.

SUBTITLE IV. HEALTH AND RELATED INSURANCE.

34. Health Maintenance Organizations.

38C. Telehealth Reimbursement.

SUBTITLE VII. PROPERTY AND RELATED INSURANCE.

Chapter

50A. Title Insurance Insurers.

50B. Title Insurance Producers.

SUBTITLE II. REGULATION OF INSURANCE INDUSTRY
GENERALLY.

CHAPTER 11A. INSURANCE PRODUCERS.

Sec.

31-1131.05b. Pre-licensing education for title insurers.

31-1131.06. Application for resident insurance producer license.

Sec.

31-1131.07b. Continuing education.

31-1131.08. Nonresident licensing.

§ 31-1131.05b. Pre-licensing education for title insurers.

(a) The Commissioner may require, by rule, that an individual, not exempt under subsections (b), (c), or (d) of this section, complete a pre-licensing course of study before:

- (1) Taking the examination required by § 31-1131.05; or
- (2) Applying for an insurance producer license.

(b) An attorney who holds a license to practice law in any state or the District of Columbia shall be exempt from pre-licensing course of study requirements and examination requirements.

(c) An title agent insurance applicant who provides certification from a title insurance insurer that the agent has had signing authority on policies or title insurance commitments for the past 3 years relating to properties located within the District of Columbia shall be exempt from the pre-licensing course of study requirements and the examination requirements; provided, that the certification is submitted to the Commissioner within one year after September 24, 2010.

(d) A full-time employee of a title insurer shall be exempt from the pre-licensing course of study requirement.

(e) The District of Columbia Land Title Association, or other organization designated by the Commissioner by rule, shall provide to each individual whose duties will include selling, soliciting, or negotiating a title insurer's limited line of title insurance in the District a program of instruction that is approved by the Commissioner. The insurer shall provide the program of instruction to the individual prior to the individual's application for licensure as a limited lines insurance producer.

(Mar. 27, 2003, D.C. Law 4-264, § 5b, as added Sept. 24, 2010, D.C. Law 18-223, § 2166(3), 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 6(a), 60 DCR 12304.)

Section references. — This section is referenced in § 31-1131.05.

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 substituted “may” for “shall” in the introductory language of (a).

Legislative history of Law 20-40. — Law 20-40, the “Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarifi-

cation Amendment Act of 2013”, was introduced in Council and assigned Bill No. 20-268. The Bill was adopted on first and second readings on June 26, 2013 and July 10, 2013, respectively. Signed by the Mayor on Aug. 20, 2013, it was assigned Act No. 20-156 and transmitted to Congress for its review. D.C. Law 20-40 became effective on Nov. 5, 2013.

§ 31-1131.06. Application for resident insurance producer license.

(a) An individual applying for a resident insurance producer license shall make application to the Commissioner on the Uniform Individual Application and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual’s knowledge and belief. Before approving the application, the Commissioner shall find that the individual:

- (1) Is at least 18 years of age;
- (2) Has not committed any act that is a ground for denial, suspension, or revocation set forth in § 31-1131.12.
- (3) If required by the Commissioner, has completed a pre-licensing course of study for the lines of authority for which the person has applied;
- (4) Has paid the fees prescribed by the Commissioner; and
- (5) Unless exempt under § 31-1131.09, has successfully passed the examinations for the lines of authority for which the person has applied.

(b) A business entity applying for a resident business entity producer license shall make application to the Commissioner on the Uniform Business Entity Application. Before approving the application, the Commissioner shall find that the business entity has:

- (1) Paid the fees prescribed by the Commissioner; and
- (2) Designated a licensed individual producer responsible for the business entity’s compliance with the insurance laws, rules, and regulations of the District.

(c) The Commissioner may require any documents reasonably necessary or appropriate to verify the information contained in an application.

(d) Repealed.

(Mar. 27, 2003, D.C. Law 14-264, § 6, 50 DCR 260; May 13, 2008, D.C. Law 17-155, § 2(e), 55 DCR 3683; Mar. 25, 2009, D.C. Law 17-353, § 234, 56 DCR 1117; Sept. 24, 2010, D.C. Law 18-223, § 2166(c), 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 6(b), 60 DCR 12304.)

Section references. — This section is referenced in § 31-1131.07, § 31-1131.08, § 31-1131.08a, and § 31-5051.02.

Effect of amendments.

The 2013 amendment by D.C. Law 20-40 deleted “provided, that if an applicant for a title insurance producer license has been convicted

of any such act and 10 years have elapsed since the individual’s conviction, and a title insurer submits written verification that the person has had authority from the title insurer to issue title insurance policies or commitments related to real or personal property within the District of Columbia for a period of not less than 3 years

prior to the application for license, such act or conviction may be considered not to apply by the Commissioner" from the end of (a)(2).

Legislative history of Law 20-40. — See note to § 31-1131.05b.

§ 31-1131.07b. Continuing education.

All individual title insurance producers shall fulfill the following continuing education requirements:

(1) Eight hours biennially for District of Columbia barred attorneys in courses specific to District of Columbia real estate laws and related regulations, and any other continuing education courses approved by the Commissioner;

(2) Sixteen hours biennially for resident title insurance producers in instruction specific to District of Columbia real estate laws and related regulations, and continuing education courses approved by the Commissioner of which not more than 8 hours may be completed through on-line or video-based courses; or

(3) Four hours of instruction biennially for nonresident title insurance producers in instruction specific to District of Columbia real estate laws and related regulations.

(Mar. 27, 2003, D.C. Law 14-264, § 7b, as added May 13, 2008, D.C. Law 17-155, § 2(h), 55 DCR 3683; Sept. 24, 2010, D.C. Law 18-223, § 2166(d), 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 6(c), 60 DCR 12304.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-40 rewrote this section.

Legislative history of Law 20-40. — See

note to § 31-1131.05b.

§ 31-1131.08. Nonresident licensing.

(a) A person may request a nonresident license if the person is licensed as a resident insurance producer in another state.

(a-1) A person requesting a nonresident insurance producer license shall make his or her request on a form, or through such means, prescribed by the Commissioner.

(a-2) Unless denied licensure under § 31-1131.12 or granted a resident insurance producer license by meeting the requirements of §§ 31-1131.05 and 31-1131.06, a nonresident person shall receive a nonresident insurance producer license if:

(1) The person is currently licensed as a resident and in good standing in his or her home state;

(2) The person has submitted the proper request for a nonresident insurance producer license and has paid the fees as prescribed by the Commissioner; and

(3) The person has submitted or transmitted to the Commissioner a completed NAIC Uniform Application or the application for licensure that the person submitted to his or her home state.

(b) The Commissioner may verify the insurance producer's licensing status through the producer database maintained by the NAIC, its affiliates, or subsidiaries.

(c) Repealed.

(d) Notwithstanding any other provision of this chapter, a person licensed as a surplus lines producer in his or her home state shall receive a nonresident surplus lines producer license under subsection (a) of this section. Except as provided in subsection (a) of this section, this section shall not amend or supersede any provision of §§ 31-2502.39 and 31-2502.40.

(e) Notwithstanding any other provision of this chapter, a person licensed as a limited line insurance producer in his or her home state shall receive a nonresident limited lines insurance producer license under subsection (a) of this section granting the same scope of authority as granted under the license issued by the producer's home state. For the purposes of this subsection, the term "limited line insurance" means any authority granted by the home state which restricts the authority of the license to less than the total authority prescribed in the associated major lines under § 31-1131.07(a)(1) through (6).

(f) An applicant may qualify for a license under this chapter as a nonresident only if the applicant holds an equivalent license in the applicant's home state. A license issued to a nonresident of the District shall grant the same rights and privileges as a resident licensee.

(g) Repealed.

(h) Any license and appointment issued to a nonresident pursuant to this section shall be terminated at any time that the nonresident's equivalent authority in his or her home state is terminated, suspended, or revoked.

(Mar. 27, 2003, D.C. Law 14-264, § 8, 50 DCR 260; May 13, 2008, D.C. Law 17-155, § 2(i), 55 DCR 3683; Sept. 24, 2010, D.C. Law 18-223, § 2166(e), 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 6(d), 60 DCR 12304.)

Section references. — This section is referenced in § 31-1131.07, § 31-1131.16, and § 31-5051.02.

Effect of amendments.

The 2013 amendment by D.C. Law 20-40 repealed (g) which read: "A nonresident title insurance producer shall have a registered

agent in the District of Columbia at the time of application for a title insurance producer license and shall maintain a registered agent in the District of Columbia as a condition of licensing under this section"; and added (h).

Legislative history of Law 20-40. — See note to § 31-1131.05b.

SUBTITLE III. FIRE, CASUALTY, MARINE, MOTOR
VEHICLE AND RELATED INSURANCE.

CHAPTER 25. FIRE, CASUALTY, AND MARINE INSURANCE.

*Subchapter II. Powers and Duties of the
Commissioner*

Sec.

31-2502.28a. Flood insurance notice requirements for the provision of homeowner's and renter's insurance.

Sec.

31-2502.28b. Sewer-line backup insurance notice requirements for the provision of homeowner's and renter's insurance.

Subchapter II. Powers and Duties of the Commissioner.

§ 31-2502.28a. Flood insurance notice requirements for the provision of homeowner's and renter's insurance.

(a) Within 90 days of September 19, 2013, a company authorized to sell or negotiate homeowner's or renter's insurance in the District of Columbia shall provide a written notice that states that a standard homeowner's or renter's insurance policy does not cover losses from flood to:

(1) An applicant at the time of application for a homeowner's or renter's insurance policy;

(2) A policyholder at the time of each renewal of a homeowner's or renter's insurance policy, to accompany the renewal notice; and

(3) On a one-time basis, a policyholder of a homeowner's or renter's insurance policy; provided, that a company shall not be required to provide the one-time notice to an existing policyholder if the renewal of that policyholder's policy comes due within 90 days of the date the company began issuing the notices required by this subsection.

(b) The statement shall:

(1) Be on a separate form;

(2) Be titled, in at least 12-point type, "Flood Coverage Not Included in the Standard Homeowner's or Renter's Insurance Policy"; and

(3) Contain, at a minimum, the following information in at least 12 point type:

(A) Advise the applicant that flood insurance may be available for an additional premium and that a claim under a flood insurance policy may be adjusted and paid on a different basis than a claim under a homeowner's or renter's insurance policy;

(B) Advise the applicant that a separate application must be completed to purchase flood insurance;

(C) State that flood insurance may be available through the National Flood Insurance Program or other sources;

(D) Provide the applicant with the contact information for the National Flood Insurance Program;

(E) Advise the applicant to consult with the National Flood Insurance Program, the District Department of the Environment, the District Department of Insurance, Securities, and Banking, or the applicant's mortgage lender about the risks of flooding and the potential costs and benefits of flood insurance; and

(F) Advise the applicant that the statement shall not be considered a replacement for the terms of the insurance policy, shall not have the effect of altering the coverage afforded by the policy, shall not confer new or additional rights beyond those expressly provided for in the policy, and is only provided as guidance to the homeowner in understanding the terms of the insurance policy.

(c) If an application is made by telephone, the insurer is deemed to be in compliance with this section if, within 7 calendar days after the date of application, the insurer sends by mail the notice to the insured.

(d) If an application is made using the Internet, the insurer is deemed to be in compliance with this section if the insurer provides the notice to the applicant in a stand-alone format, similar to the notice requirements in subsection (b)(1), (2), and (3) of this section, before the submission of the application.

(e) The insurer's failure to provide notice as required under this section does not create a private right of action.

(Oct. 9, 1940, 54 Stat. 1066, ch. 792, ch. II, § 28a, as added Sept. 19, 2013, D.C. Law 20-18, § 2, 60 DCR 9843.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-18 added this section.

Legislative history of Law 20-18. — Law 20-18, the "Fire and Casualty Amendment Act of 2013," was introduced in Council and assigned Bill No. 20-31. The Bill was adopted on

first and second readings on May 7, 2013, and June 4, 2013, respectively. Signed by the Mayor on June 27, 2013, it was assigned Act No. 20-95 and transmitted to Congress for its review. D.C. Law 20-18 became effective on September 19, 2013.

§ 31-2502.28b. Sewer-line backup insurance notice requirements for the provision of homeowner's and renter's insurance.

(a) Within 90 days of September 19, 2013, a company authorized to sell or negotiate homeowner's or renter's insurance in the District of Columbia shall provide a written notice that states that a standard homeowner's or renter's insurance policy does not cover losses from sewer-line back up to:

(1) An applicant at the time of application for a homeowner's or renter's insurance policy;

(2) A policyholder at the time of each renewal of a homeowner's or renter's insurance policy, to accompany the renewal notice; and

(3) On a one-time basis, a policyholder of a homeowner's or renter's insurance policy; provided, that a company shall not be required to provide the one-time notice to an existing policyholder if the renewal of that policyholder's policy comes due within 90 days of the date the company began issuing the notices required by this subsection.

(b) The statement shall:

- (1) Be on a separate form;
- (2) Be titled, in at least 12-point type, "Sewer-line Backup Coverage Not Included in the Standard Homeowner's or Renter's Insurance Policy"; and
- (3) Contain, at a minimum, the following information, in at least 12-point type:

(A) Advise the applicant that sewer-line backup insurance may be available for an additional premium and that a claim under a sewer-line backup insurance policy may be adjusted and paid on a different basis than a claim under a homeowner's or renter's insurance policy;

(B) Advise the applicant that a separate application must be completed to purchase sewer-line backup insurance;

(C) Advise the applicant to consult with the District Department of Insurance, Securities, and Banking or the applicant's mortgage lender about the risks of sewer-line backup and the potential costs and benefits of sewer-line backup insurance; and

(D) Advise the applicant that the statement shall not be considered a replacement for the terms of the insurance policy, shall not have the effect of altering the coverage afforded by the policy, shall not confer new or additional rights beyond those expressly provided for in the policy, and is only provided as guidance to the homeowner in understanding the terms of the insurance policy.

(c) If an application is made by telephone, the insurer is deemed to be in compliance with this section if, within 7 calendar days after the date of application, the insurer sends by mail the notice to the insured.

(d) If an application is made using the Internet, the insurer is deemed to be in compliance with this section if the insurer provides the notice to the applicant in a stand-alone format, similar to the notice requirements in subsection (b)(1), (2), and (3) of this section, before the submission of the application.

(e) The insurer's failure to provide notice as required under this section does not create a private right of action.

(Oct. 9, 1940, 54 Stat. 1066, ch. 792, ch. II, § 28b, as added Sept. 19, 2013, D.C. Law 20-18, § 2, 60 DCR 9843.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-18 added this section. **Legislative history of Law 20-18.** — See note to § 31-2502.28a.

SUBTITLE IV. HEALTH AND RELATED INSURANCE.

CHAPTER 31D. HEALTH BENEFIT EXCHANGE.

§ 31-3171.01. Definitions.

Temporary legislation. — For temporary § 2(a) of the Better Prices, Better Quality, (225 days) amendment of this section, see Better Choices for Health Coverage Temporary

Amendment Act of 2013 (D.C. Law 20-22, October 3, 2013, 60 DCR 10880).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(a) of the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Act of 2013 (D.C. Act 20-87, June 19, 2013, 60 DCR 9542, 20 DCSTAT 1446).

For temporary (90 days) amendment of this section, see §§ 2(a) and 3 of the Better Prices, Better Quality, Better Choices for Health Coverage Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-170, September 26, 2013, 60 DCR 14742).

§ 31-3171.04. Authority duties and powers.

Section references. — This section is referenced in § 31-3171.01 and § 31-3171.09.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Health Benefit Exchange Authority Establishment Temporary Amendment Act of 2013 (D.C. Law 20-11, July 13, 2013, 60 DCR 7236, 20 DCSTAT 1757).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of

the Health Benefit Exchange Authority Establishment Emergency Amendment Act of 2013 (D.C. Act 20-49, April 15, 2013, 60 DCR 6337, 20 DCSTAT 1355).

For temporary (90 days) amendment of this section, see § 2 of the Health Benefit Exchange Authority Establishment Congressional Review Emergency Act of 2013 (D.C. Act 20-125, July 26, 2013, 60 DCR 11136, 20 DCSTAT 1821).

§ 31-3171.09. Health benefit plan certification.

Section references. — This section is referenced in § 31-3171.01 and § 31-3171.04.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2(b) of the Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013 (D.C. Law 20-22, October 3, 2013, 60 DCR 10880).

For temporary (225 days) addition of D.C. Law 19-94, § 10a, concerning distribution of individual and small group health benefit plans, see § 2(c) of the Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013 (D.C. Law 20-22, October 3, 2013, 60 DCR 10880).

For temporary (225 days) addition of D.C. Law 19-94, § 10b, concerning sale, solicitation, and negotiation by insurance producers, see § 2(c) of the Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013 (D.C. Law 20-22, October 3, 2013, 60 DCR 10880).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(b) of the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Act of 2013 (D.C. Act 20-87, June 19, 2013, 60 DCR 9542, 20 DCSTAT 1446).

For temporary (90 days) addition of D.C. Law 19-94, § 10a, concerning distribution of individual and small group health benefit plans, see § 2(c) of the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Amendment Act of 2013 (D.C. Act 20-87, June 19, 2013, 60 DCR 9542, 20 DCSTAT 1446).

For temporary (90 days) addition of D.C. Law 19-94, § 10b, concerning sale, solicitation, and negotiation by insurance producers, see § 2(c) of the Better Prices, Better Quality, Better Choices for Health Coverage Emergency Amendment Act of 2013 (D.C. Act 20-87, June 19, 2013, 60 DCR 9542, 20 DCSTAT 1446).

For temporary (90 days) amendment of this section, see §§ 2(b) and 3 of the Better Prices, Better Quality, Better Choices for Health Coverage Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-170, September 26, 2013, 60 DCR 14742).

For temporary (90 days) addition of D.C. Law 19-94, § 10a, see §§ 2(c) and 3 of the Better Prices, Better Quality, Better Choices for Health Coverage Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-170, September 26, 2013, 60 DCR 14742).

CHAPTER 34. HEALTH MAINTENANCE ORGANIZATIONS.

Sec.

31-3412. Protection against insolvency.

§ 31-3412. Protection against insolvency.**(a) Net worth requirements. —**

(1) Before issuing any certificates of authority, the Commissioner shall require that the health maintenance organization have an initial net worth of \$1,500,000 and shall thereafter maintain the minimum net worth required by paragraph (2) of this subsection.

(2) Except as provided in paragraph (4) of this subsection, every health maintenance organization must maintain a minimum net worth equal to the greater of:

(A) \$1,000,000;

(B) Two percent of annual dues revenues as reported on the most recent annual financial statement filed with the Commissioner on the first \$150,000,000 of dues and 1% of annual dues on the dues in excess of \$150,000,000;

(C) An amount equal to the sum of 3 months uncovered health care expenditures as reported on the most recent financial statement filed with the Commissioner; or

(D) An amount equal to the sum of:

(i) Eight percent of annual health care expenditures except those paid on a capitated basis or managed hospital payment basis as reported on the most recent financial statement filed with the Commissioner; and

(ii) Four percent of annual hospital expenditures paid on a managed hospital payment basis as reported on the most recent financial statement filed with the Commissioner.

(2A) Repealed.

(3) Repealed.

(4) In determining net worth, no debt shall be considered fully subordinated unless the subordination clause is in a form acceptable to the Commissioner. Any interest obligation relating to the repayment of any subordinated debt must be similarly subordinated.

(A) The interest expenses relating to the repayment of any fully subordinated debt shall be considered covered expenses.

(B) Any debt incurred by a note meeting the requirements of this section, and otherwise acceptable to the Commissioner, shall not be considered a liability and shall be recorded as equity.

(b) Deposit requirements. —

(1) Unless otherwise provided below, each health maintenance organization shall deposit with the Commissioner or, at the discretion of the Commissioner, with any organization or trustee acceptable to the Commissioner through which a custodial or controlled account is utilized, cash, securities, or any combination of these or other measures that are acceptable to the Commissioner which at all times shall have a value of not less than \$300,000.

(2)(A) A health maintenance organization that is in operation on April 9, 1997 shall make a deposit equal to \$150,000.

(B) In the second year, the amount of the additional deposit for a health maintenance organization that is in operation on April 9, 1997 shall be equal to \$150,000, for a total of \$300,000.

(3) The deposit shall be an admitted asset of the health maintenance organization in the determination of net worth.

(4) All income from deposits shall be an asset of the organization. A health maintenance organization that has made a securities deposit may withdraw that deposit, or any part thereof, after making a substitute deposit of cash, securities, or any combination of these or other measures of equal amount and value. Any securities shall be approved by the Commissioner before being deposited or substituted.

(5) The deposit shall be used to protect the interests of the health maintenance organization's enrollees and to assure continuation of covered services to enrollees of a health maintenance organization which is in rehabilitation or conservation. The Commissioner may use the deposit for administrative costs directly attributable to a receivership or liquidation. If a health maintenance organization is placed in receivership or liquidation, the deposit shall be an asset subject to the provisions of Chapter 13 of this title.

(6) The Commissioner may reduce or eliminate the deposit requirement if a health maintenance organization deposits with the District treasurer, Commissioner, or other official body of the District or jurisdiction of domicile for the protection of all enrollees, wherever located, of such health maintenance organization, cash, acceptable securities, or surety, and delivers to the Commissioner a certificate to such effect, duly authenticated by the regulatory authority in the state of domicile or by the appropriate District official holding the deposit.

(c) *Liabilities.* — Every health maintenance organization shall, when determining liabilities, include an amount estimated in the aggregate to provide for any unearned dues and for the payment of all claims for health care expenditures which have been incurred, whether reported or unreported, which are unpaid and for which such organization is or may be liable, and to provide for the expense of adjustment or settlement of such claims. Such liabilities may be computed in accordance with generally accepted accounting principles.

(d) *Hold harmless.* —

(1) Every contract between a health maintenance organization and a participating provider of health care services shall be in writing and shall set forth that in the event a health maintenance organization fails to pay for health care services as set forth in the contract, the enrollee shall not be liable to the provider for any sums owed by the health maintenance organization.

(2) In the event that the participating provider contract has not been reduced to writing as required by this subsection or that the contract fails to contain the required prohibition, the participating provider shall not collect or attempt to collect from the enrollee sums owed by a health maintenance organization.

(3) No participating provider, agent, trustee, or assignee thereof may maintain any action at law against an enrollee to collect sums owed by a health maintenance organization.

(e) *Continuation of benefits.* —

(1) The Commissioner shall require that each health maintenance organization have a plan for handling insolvency which allows for continuation of

benefits for the duration of the contract period for which premiums have been paid and continuation of benefits to members who are confined on the date of insolvency in an inpatient facility until their discharge or expiration of benefits.

(2) In considering the plan, the Commissioner may require:

(A) Insurance to cover the expenses to be paid for continued benefits after an insolvency;

(B) Provisions in provider contracts that obligate the provider to provide services for the duration of the period after a health maintenance organization's insolvency for which premium payment has been made and until the enrollees' discharge from inpatient facilities;

(C) Insolvency reserves;

(D) Acceptable letters of credit; and

(E) Any other arrangements to assure that benefits are continued as specified above.

(f) *Notice of termination.* — An agreement to provide covered services between a provider and a health maintenance organization must require that if the provider terminates the agreement, the provider shall give the organization at least 60 days advance notice of termination.

(Apr. 9, 1997, D.C. Law 11-235, § 13, 44 DCR 818; Mar. 24, 1998, D.C. Law 12-81, § 46(c), 45 DCR 745; Mar. 27, 2003, D.C. Law 14-252, § 2(f), 50 DCR 225; Nov. 5, 2013, D.C. Law 20-40, § 7, 60 DCR 12304.)

Section references. — This section is referenced in § 31-308, § 31-3402, § 31-3403, and § 31-3419.

Effect of amendments.

The 2013 amendment by D.C. Law 20-40 substituted "paragraph (4)" for "paragraphs (2A), (3), and (4)" in (a)(2); and repealed (a)(2A) and (a)(3).

Legislative history of Law 20-40. — Law 20-40, the "Saving D.C. Homes from Foreclo-

sure Clarification and Title Insurance Clarification Amendment Act of 2013", was introduced in Council and assigned Bill No. 20-268. The Bill was adopted on first and second readings on June 26, 2013 and July 10, 2013, respectively. Signed by the Mayor on Aug. 20, 2013, it was assigned Act No. 20-156 and transmitted to Congress for its review. D.C. Law 20-40 became effective on Nov. 5, 2013.

CHAPTER 38C. TELEHEALTH REIMBURSEMENT.

Sec.

31-3861. Definitions.

31-3862. Private reimbursement.

Sec.

31-3863. Medicaid reimbursement.

(Oct. 17, 2013, D.C. Law 20-26, § 2, 60 DCR 11117.)

§ 31-3861. Definitions.

For the purposes of this chapter, the term:

(1) "Health benefits plan" shall have the same meaning as provided in § 31-3131(4).

(2) "Health insurer" shall have the same meaning as provided in § 31-3131(5).

(3) “Provider” shall have the same meaning as provided in § 31-3131(7).

(4) “Telehealth” means the delivery of healthcare services through the use of interactive audio, video, or other electronic media used for the purpose of diagnosis, consultation, or treatment; provided, that services delivered through audio-only telephones, electronic mail messages, or facsimile transmissions are not included.

(Oct. 17, 2013, D.C. Law 20-26, § 2, 60 DCR 11117.)

Legislative history of Law 20-26. — Law 20-26, the “Telehealth Reimbursement Act of 2013,” was introduced in Council and assigned Bill No. 20-50. The Bill was adopted on first and second readings on June 4, 2013, and June 26,

2013, respectively. Signed by the Mayor on July 23, 2013, it was assigned Act No. 20-119 and transmitted to Congress for its review. D.C. Law 20-26 became effective on October 17, 2013.

§ 31-3862. Private reimbursement.

(a) A health insurer offering a health benefits plan in the District may not deny coverage for a healthcare service on the basis that the service is provided through telehealth if the same service would be covered when delivered in person.

(b) A health insurer shall reimburse the provider for the diagnosis, consultation, or treatment of the insured when the service is delivered through telehealth.

(c) A health insurer shall not be required to:

(1) Reimburse a provider for healthcare service delivered through telehealth that is not a covered under the health benefits plan; and

(2) Reimburse a provider who is not a covered provider under the health benefits plan.

(d) A health insurer may require a deductible, copayment, or coinsurance amount for a healthcare service delivered through telehealth; provided, that the deductible, copayment, or coinsurance amount may not exceed the amount applicable to the same service when it is delivered in person.

(e) A health insurer shall not impose any annual or lifetime dollar maximum on coverage for telehealth services other than an annual or lifetime dollar maximum that applies in the aggregate to all items and services under the health benefits plan.

(f) Nothing in this chapter shall preclude the health insurer from undertaking utilization review to determine the appropriateness of telehealth as a means of delivering a healthcare service; provided, that the determinations shall be made in the same manner as those regarding the same service when it is delivered in person.

(Oct. 17, 2013, D.C. Law 20-26, § 3, 60 DCR 11117.)

Legislative history of Law 20-26. — See note to § 31-3861.

§ 31-3863. Medicaid reimbursement.

Medicaid shall cover and reimburse for healthcare services appropriately delivered through telehealth if the same services would be covered when delivered in person.

(Oct. 17, 2013, D.C. Law 20-26, § 4, 60 DCR 11117.)

Legislative history of Law 20-26. — See note to § 31-3861.

SUBTITLE VII. PROPERTY AND RELATED INSURANCE.

CHAPTER 50A. TITLE INSURANCE INSURERS.

Sec.	Sec.
31-5031.01. Definitions.	31-5031.13. Duties of title insurers utilizing the services of title insurance producers.
31-5031.04. Limitations on powers.	31-5031.16. Favored producer of title insurer; buyer's right to choose.
31-5031.09. Liquidation, dissolution, or insolvency.	31-5031.18. Form filing.
31-5031.11. Diversification requirement.	31-5031.20. Record retention requirements.
31-5031.12. Direct operations and policyholder treatment.	

§ 31-5031.01. Definitions.

For the purposes of this chapter, the term:

(1) "Abstract of title" or "abstract" means a written history, synopsis, or summary of the recorded instruments affecting the title to real property.

(2) "Affiliate" means, with respect to a person, another person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person.

(3) Repealed.

(4) "Attorney" means a person who holds a license to practice law in the District of Columbia.

(4A) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(5) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking, or the Commissioner's representatives, or the commissioner, director, or superintendent of insurance in any other state.

(6) "Direct operations" means that portion of a title insurer's operations that is attributable to business written or conducted directly by an employee of:

- (A) The title insurer;
- (B) A title insurance producer owned by:
 - (i) The title insurer;
 - (ii) A parent entity owning the title insurer;
 - (iii) A holding entity owning the title insurer; or
 - (iv) A subsidiary of a parent or holding entity owning a title insurer.

(7) "Escrow" means written instruments, money, or other items deposited by one party with a depository, escrow agent, or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event.

(8) "Escrow Officer" means a person who maintains an escrow or indemnified deposit account.

(9) "Escrow, settlement, or closing fee" means the consideration for supervising or handling the actual execution, delivery, or recording of transfer and lien documents and for disbursing funds.

(10) "Fire and Casualty Act" means Chapter 25 of this title [§ 31-2501.01 et seq.].

(11) "Foreign title insurer" means any title insurer incorporated or organized under the laws of any other state of the United States or any other jurisdiction of the United States.

(12) "Indemnity" or "indemnity deposit" means funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage.

(12A) "Individual" means a natural person.

(13) "IRLA" means Chapter 13 of this title [§ 31-1301 et seq.] .

(14) "Net retained liability" means the total liability retained by a title insurer for a single risk, after taking into account any ceded liability and collateral, acceptable to the Commissioner, maintained by the insurer.

(15) "Non-U.S. title insurer" means any title insurer incorporated or organized under the laws of any foreign nation or any province or territory.

(16) "Person" means an individual or business entity.

(17) "Personal property" means stock ownership in a cooperative housing association.

(18) "Qualified financial institution" means an institution that is:

(A) Organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state and has been granted authority to operate with fiduciary powers;

(B) Regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies;

(C) Insured by the appropriate federal entity; and

(D) Qualified under any additional rules established by the Commissioner.

(19) "Referral source" means any person, including an officer, director, or owner of more than 5% or more of the equity or capital of any person engaged in the District in the trade, business, occupation, or profession of:

(A) Buying or selling interests in real property;

(B) Making loans secured by interests in real property; or

(C) Acting as broker, agent, representative, or attorney of a person who buys or sells any interest in real property or who lends or borrows money with the interest as security.

(20) Repealed.

(21) "Subsidiary" means an affiliate controlled by a person, directly or indirectly, through one or more intermediaries.

(22) "Title insurance business" or "business of title insurance" means:

(A) Issuing as an insurer, or offering to issue as an insurer, a title insurance policy;

(B) Engaging in, or proposing to engage in, any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance policy:

(i) Soliciting or negotiating the issuance of a title insurance policy;

(ii) Guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units, and proprietary leases, and for all liens or charges affecting the same;

(iii) Executing title insurance policies;

(iv) Effecting contracts of reinsurance; or

(v) Abstracting, searching, or examining titles;

(C) Guaranteeing, warranting, or insuring searches or examinations of title to real property or any interest in real property;

(D) Guaranteeing or warranting the status of title as to ownership of or liens on real property or personal property by any person other than the principals to the transaction;

(E) Doing, or holding oneself out to do, business substantially equivalent to any of the activities listed in this paragraph in a manner designed to evade the provisions of this chapter; or

(F) Matters insuring the correctness or marketability of title.

(23) "Title insurance commitment" means a preliminary report, commitment, or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions, and any other matters incorporated by reference under which the title insurer is willing to issue its title insurance policy.

(24) "Title insurance policy" or "policy" means a contract insuring or indemnifying owners of, or other persons lawfully interested in, real or personal property or any interest in real or personal property, against loss or damage arising from any or all of the following conditions existing on or before the policy date and not excepted or excluded:

(A) Defects in, or liens or encumbrances on, the insured title;

(B) Unmarketability of the insured title;

(C) Invalidity, lack of priority, or unenforceability of liens or encumbrances on the stated property;

(D) Lack of legal right of access to the land;

(E) Unenforceability of rights in title to the land and other matters affecting the title to, or the right to the use and enjoyment of, the property; or

(F) Matters insuring the correctness or marketability of title.

(25)(A) "Title insurance producer" or "producer" means a person who is authorized to perform, on behalf of a title insurer, the following acts in conjunction with the issuance of a title insurance commitment or policy covering real or personal property situated in the District of Columbia:

(i) Determining insurability and issuing title insurance commitments or policies, or both, based upon the performance or review of a search or abstract of title; and

(ii) Soliciting or negotiating title insurance business.

(B) The term “title insurance producer” or “producer” shall not include:

(i) A financial institution (and its employees) that does not solicit, procure, or negotiate title insurance contracts for compensation or conduct title insurance business;

(ii) An employee of an abstracting company;

(iii) A person whose activities in the District are limited to advertising, without the intent to solicit insurance in the District, through communications in printed publications or other forms of electronic mass media; provided, that the person does not sell, solicit, or negotiate insurance that would insure risks of persons residing in or located in, or activities to be performed in, the District;

(iv) A salaried full-time employee who counsels or advises his or her employer relative to the insurance interests of the employer or of the subsidiaries of the employer; provided, that the employee does not sell, solicit, or negotiate insurance, or receive a commission; or

(v) An employee of a title insurer; provided, that the employee’s activities are not focused on transactions in the District of Columbia, his or her primary responsibilities cover multiple states, and his or her involvement in transactions is to coordinate with title insurance producers licensed in the District of Columbia who conduct title insurance business.

(26) “Title insurer” or “insurer” means a company organized under laws of the District of Columbia for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in the District of Columbia to transact the business of title insurance.

(27) “Title plant” means a set of records consisting of documents, maps, surveys, or entries affecting title to real property or any interest in or encumbrance on the property, which have been filed or recorded in the jurisdiction for which the title plant is established or maintained.

(28) “Underwrite” means to accept or reject, or have the authority to accept or reject, risk on behalf of a title insurer.

(Sept. 24, 2010, D.C. Law 18-223, § 2142, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(a), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 repealed (3); added (4A) and (12A); rewrote (16); repealed (20); and substituted “real or personal property” for “residential or personal property” in (25)(A).

Legislative history of Law 20-40. — Law 20-40, the “Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarifi-

cation Amendment Act of 2013”, was introduced in Council and assigned Bill No. 20-268. The Bill was adopted on first and second readings on June 26, 2013 and July 10, 2013, respectively. Signed by the Mayor on Aug. 20, 2013, it was assigned Act No. 20-156 and transmitted to Congress for its review. D.C. Law 20-40 became effective on Nov. 5, 2013.

§ 31-5031.04. Limitations on powers.

(a) An insurer that transacts any class, type, or kind of business other than title insurance business shall not be eligible for the issuance or renewal of a license to transact the business of title insurance in the District of Columbia and shall not transact title insurance business.

(b) A title insurer shall not engage in the business of guaranteeing payment of the principal of, or the interest on, bonds or mortgages.

(c)(1) Notwithstanding subsection (a) of this section, and to the extent such coverage is lawful within the District, a title insurer may issue closing or settlement protection to a proposed insured upon request if the title insurer issues a preliminary report, binder, or title insurance policy. The closing or settlement protection shall conform to the terms of coverage and form of instrument as required by the Commissioner and may indemnify a proposed insured against loss of settlement funds because of the following acts of a title insurer's named title insurance producer:

(A) Theft of settlement funds in connection with the closing to the extent that the theft relates to the status of the title to that interest in land or to the validity, enforceability, and priority of the lien of the mortgage on that interest in land; and

(B) Failure to comply with the written closing instructions by the proposed insured when agreed to by the title insurance producer, to the extent that they relate to the status of the title to that interest in land or the validity, enforceability, and priority of the lien of the mortgage on that interest in land.

(2) The Commissioner may promulgate by rule pursuant to § 31-5031.23, or approve, a required charge for providing the coverage.

(3) Repealed.

(4) Except as provided under this chapter, a title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services.

(5) The form of closing protection letter used by a title insurer and rates shall be filed with the Commissioner as provided by § 31-5031.18(b)(3).

(Sept. 24, 2010, D.C. Law 18-223, § 2145, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(b), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40, in (c)(1), deleted “solely” preceding “against loss” and deleted “only” preceding “because of”; and repealed (c)(3).

Legislative history of Law 20-40. — See note to § 31-5031.01.

§ 31-5031.09. Liquidation, dissolution, or insolvency.

(a) Except as otherwise provided in this section, the IRLA shall apply to all domestic title insurers subject to this chapter. In applying the provisions of the IRLA, the court shall consider the unique aspects of title insurance and shall have broad authority to fashion relief that provides for the maximum protection of the title insurance policyholders.

(b) Indemnity and escrow funds held by or on behalf of the title insurer shall not become general assets and shall be administered as secured creditor claims as provided in the IRLA.

(c) Title insurance policies issued by a domestic title insurer that are in force at the time an order of liquidation is entered shall not be canceled except upon a showing to the court of good cause by the liquidator. The determination of good cause shall be within the discretion of the court. In making this determination, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

(d) The court may set appropriate dates that potential claimants shall file their claims with the liquidator as to a domestic title insurer. The court may set different dates for claims based upon the title insurance policy than for all other claims. In setting dates, the court shall consider the unique aspects of title insurance and all other relevant circumstances.

(e) As of the date of the order of insolvency or liquidation, all premiums paid, due, or to become due under policies of the domestic title insurers shall be fully earned. It shall be the obligation of producers, insureds, or representatives of the title insurer to pay fully earned premium to the liquidator or rehabilitator.

(Sept. 24, 2010, D.C. Law 18-223, § 2150, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(c), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 substituted “producers” for “agents” in (e).

Legislative history of Law 20-40. — See note to § 31-5031.01.

§ 31-5031.11. Diversification requirement.

(a) Without the prior written approval of the Commissioner, a domestic title insurer shall not accept:

(1) Additional business from a title insurance producer that is not an affiliated company with the insurer if, when added to other business written through the title insurance producer during the same calendar year, that producer’s aggregate premiums written on behalf of the title insurer will exceed 20% of the title insurer’s gross premiums written during the prior calendar year, as shown on the title insurer’s most recent annual statement on file with the Commissioner; or

(2)(A) Additional direct operations business from a single source if, when added to other direct operations business from the single source during the same calendar year, the aggregate premiums written on the direct operations business of the single source will exceed 20% of the title insurer’s gross premiums written during the prior calendar year as shown on the title insurers most recent annual statement on file with the Commissioner.

(B) For purposes of this paragraph, the term “single source” means a person that refers business to the title insurer and any other person that controls, is controlled by, or is under common control with, that person.

(b) In determining whether prior approval may be given, the Commissioner shall consider:

(1) The potential that the acceptance of more business from the title insurance producer or source may adversely affect the financial solidity of the title insurer;

(2) The availability of competing title agents or additional sources in the territories in which the title insurer accepts risks;

(3) The number of years that the title insurer has been in business;

(4) Reinsurance arrangements mitigating the concentration of business from the producer or source;

(5) The comparative profitability of the producer's or source's book of business;

(6) The degree of oversight of the producer's operations exercised by the title insurer; and

(7) Any other circumstances considered by the Commissioner to be appropriate.

(Sept. 24, 2010, D.C. Law 18-223, § 2152, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(d), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 substituted "producer" for "agent" and substituted "producer's" for "agent's" throughout the section.

Legislative history of Law 20-40. — See note to § 31-5031.01.

§ 31-5031.12. Direct operations and policyholder treatment.

(a) If a title insurance commitment includes an offer to issue an owner's policy covering the resale of owner-occupied property, the title insurance commitment shall be furnished to the purchaser-mortgagor or its representative no later than the time of closing. If the report cannot be delivered prior to or at closing, the title insurer shall document the reasons for the delay. The title insurance commitment furnished to the purchaser-mortgagor shall incorporate the following statement on the 1st page in bold type:

"Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this form is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land."

(b)(1) A title insurer issuing a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of the owner-occupied property securing the loan, if no owner's title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the Commissioner, to the purchaser-mortgagor at the time the title insurance commitment is prepared. The notice shall explain:

(A) A lender's title insurance policy is to be issued protecting the mortgage-lender;

(B) The policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased;

(C) What a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy; and

(D) The purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages or amount of insurance is not then known.

(2) A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least 3 years after the effective date of the policy.

(Sept. 24, 2010, D.C. Law 18-223, § 2153, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(e), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 deleted “residential” preceding “property” in (a) and (b)(1); substituted “no later than the time of closing” for “as soon as reasonably possible prior to

closing” in (a); and substituted “3 years” for “5 years” in (b)(2).

Legislative history of Law 20-40. — See note to § 31-5031.01.

§ 31-5031.13. Duties of title insurers utilizing the services of title insurance producers.

(a) The title insurer shall not accept business from a title insurance producer unless there is in force a written contract between the parties which sets forth the responsibilities of each party and, if both parties share responsibility for a particular function, specifies the division of responsibilities.

(b) Repealed.

(c) The title insurer shall, at least annually, conduct an on-site review, or a review conducted electronically that would accomplish the functional equivalent of the same, of the underwriting, claims, and escrow practices of the title insurance producer which shall include a review of the producer's policy blank inventory and processing operations. If the title insurance producer does not maintain separate bank or trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title insurance producer.

(d) Within 30 days after executing or terminating a contract with a title insurance producer, the title insurer shall provide written notification of the appointment or termination and the reason for termination to the Commissioner. Notices of appointment of a title insurance producer shall be made on a form promulgated by the Commissioner.

(e) A domestic title insurer shall not appoint to its board of directors an officer, director, employee, controlling shareholder, or any title insurance producer who wrote 1% or more of the title insurer's direct premiums written during the previous calendar year as shown on the title insurer's most recent annual statement on file with the Commissioner. This subsection shall not apply to relationships governed by Chapter 7 of this title [§ 31-701 et seq.].

(f) The title insurer shall maintain an inventory of all policy forms or policy numbers allocated to each title insurance producer.

(g) The title insurer shall have on file proof that the title insurance producer is licensed in the District.

(h) The title insurer shall establish the underwriting guidelines and, if applicable, limitations on title claims settlement authority to be incorporated into contracts with its title insurance producers.

(Sept. 24, 2010, D.C. Law 18-223, § 2154, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(f), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by Law 20-40 repealed (b); and substituted “producer” for “agent” in (e). **Legislative history of Law 20-40.** — See note to § 31-5031.01.

§ 31-5031.16. Favored producer of title insurer; buyer’s right to choose.

(a) A title insurer shall not participate in any transaction in which it knows that a title insurance producer or other person requires, directly or indirectly, or through any trustee, director, officer, producer, employee, or affiliate, as a condition precedent to selling or furnishing any other person a loan, or loan extension, credit, sale, property, contract, lease, or service, that the other person shall place a title insurance policy of any kind with the title insurer or through a particular title insurance producer.

(b) No seller of property shall require, directly or indirectly, that the buyer purchase title insurance from any particular title producer or insurer.

(Sept. 24, 2010, D.C. Law 18-223, § 2157, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(g), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by DC Law 20-40 designated the existing text as (a); substituted “producer” for “agent” throughout (a); and added (b). **Legislative history of Law 20-40.** — See note to § 31-5031.01.

§ 31-5031.18. Form filing.

(a)(1) The Commissioner may require that all policy forms used by every company covering title risks in the District be filed with the Commissioner. The Commissioner shall have authority to disapprove, within 60 days after the date of the receipt of a filing, the use in the District of any policy form which is inequitable, or does not comply with District law.

(2) If a policy form is not disapproved for use within the 60-day period described in paragraph (1) of this subsection, the Commissioner may not disapprove the form for use unless it does not comply with District law.

(b) Forms covered by this section shall include:

(1) Title insurance policies, including standard form endorsements;

(2) Title insurance commitments issued prior to the issuance of a title insurance policy; and

(3) Closing protection letters.

(c) After notice and opportunity to be heard are given to the insurer or rate service organization which submitted a form for approval, the Commissioner may withdraw approval of the form on finding that the use of the form is contrary to the legal requirements applicable at the time of withdrawal. The effective date of withdrawal of approval shall not be less than 90 days after notice of withdrawal is given.

(d) An approved policy form or endorsement providing coverage for which no identifiable premium is assessed may be incorporated into every applicable title insurance policy. The insurer shall disclose any additional coverage to the insured. The provisions of this section shall not operate to eliminate any underwriting standard of conditions relating to the approved policy forms or endorsements.

(e) Any term or condition related to an insurance coverage provided by an approved title insurance policy or any exception to the coverage, except those ascertained from a search and examination of records relating to a title or inspection or survey of a property to be insured, shall only be included in the policy after the term, condition, or exception has been filed with the Commissioner and approved.

(Sept. 24, 2010, D.C. Law 18-223, § 2159, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(h), 60 DCR 12304.)

Section references. — This section is referenced in § 31-5031.04.

Legislative history of Law 20-40. — See note to § 31-5031.01.

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 rewrote (a).

§ 31-5031.20. Record retention requirements.

Evidence of the examination of title and determination of insurability for business written by a title insurer or title insurance producer and records relating to escrow and indemnity deposits shall be preserved and retained by the insurer or producer for as long as appropriate to the circumstances but not less than 3 years after the title insurance policy has been issued or 3 years after the escrow or indemnity deposit account has been closed. This section shall not apply to a title insurer acting as coinsurer if one of the other coinsurers has complied with this section.

(Sept. 24, 2010, D.C. Law 18-223, § 2161, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 5(i), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 substituted “insurer or producer” for “insurer or agent” in the first sentence.

Legislative history of Law 20-40. — See note to § 31-5041.01.

CHAPTER 50B. TITLE INSURANCE PRODUCERS.

Sec.
31-5041.01. Definitions.

Sec.
31-5041.02. Licensing requirements.

Sec.

31-5041.05. Policyholder treatment.

31-5041.06. Conditions for providing escrow, settlement, closing, and indemnity deposit services.

Sec.

31-5041.07. Prohibition of rebate and fee splitting.

§ 31-5041.01. Definitions.

For the purpose of this chapter, the term:

(1) "Abstract of title" means a written history, synopsis, or summary of the recorded instruments affecting a title to real property.

(2) "Affiliate" means, with respect to a person, another person that directly, or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with the person.

(3) "Aggrieved party" means a lender, title insurer, consumer, or the District of Columbia, who shall have suffered economic harm as a result of matters insured under any fidelity coverage required under this chapter.

(4) "Attorney" means a person who is admitted to practice law in the District of Columbia.

(4A) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

(5) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(6) "Escrow" means written instruments, money, or other items deposited by a party with a depository, escrow producer, or escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event.

(7) "Escrow Officer" means a person who maintains an escrow or indemnified deposit account.

(8) "Indemnity" or "indemnity deposit" means funds or other property received by the title insurer as collateral to secure an indemnitor's obligation under an indemnity agreement pursuant to which the insurer is granted a perfected security interest in the collateral in exchange for agreeing to provide coverage in a title insurance policy for a specific title exception to coverage.

(8A) "Individual" means a natural person.

(9) "Person" means an individual or business entity.

(10) "Personal property" means stock ownership in a cooperative housing association.

(11) "Producer Licensing Act" means Chapter 11A of this title [§ 31-1131.01 et seq.].

(12) "Qualified financial institution" means an institution that is:

(A) Organized or, in the case of a United States branch or agency office of a non-U.S. banking organization, licensed under the laws of the United States, a state, the District of Columbia, or another jurisdiction of the United States and granted authority to operate with fiduciary powers;

(B) Regulated, supervised, and examined by an authority of the United States, a state, the District of Columbia, or another jurisdiction of the United States having regulatory authority over banks and trust companies;

(C) Insured by the appropriate federal entity; and

(D) Qualified under any additional rules established by the Commissioner.

(13) "RESPA" means the Real Estate Settlement Procedures Act of 1974, approved December 22, 1974 (88 Stat. 1724; 12 U.S.C. § 2601 et seq.).

(14) Repealed.

(15) "Subsidiary" means an affiliate controlled by a person, directly or indirectly, through one or more intermediaries.

(16) "Title insurance business" or "business of title insurance" means:

(A) Issuing as an insurer, or offering to issue as an insurer, a title insurance policy;

(B) Engaging in, or proposing to engage in, any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance policy:

(i) Soliciting or negotiating the issuance of a title insurance policy;

(ii) Guaranteeing, warranting, or otherwise insuring the correctness of title searches for all instruments affecting titles to real property, any interest in real property, cooperative units, and proprietary leases, and for all liens or charges affecting the same;

(iii) Executing title insurance policies;

(iv) Effecting contracts of reinsurance; or

(v) Abstracting, searching, or examining titles;

(C) Guaranteeing, warranting; or insuring searches or examinations of title to real property or any interest in real property;

(D) Guaranteeing or warranting the status of title as to ownership or of liens on real property or personal property by any person other than the principals to the transaction;

(E) Doing, or holding oneself out to do, business substantially equivalent to any of the activities listed in this paragraph in a manner designed to evade the provisions of this chapter; or

(F) Matters indemnifying against the incorrectness or marketability of title.

(17) "Title insurance commitment" means a preliminary report or binder issued prior to the issuance of a title insurance policy containing the terms, conditions, exceptions, and any other matters under which the title insurer is willing to issue its title insurance policy.

(18) "Title insurance policy" means a contract insuring or indemnifying owners of, or other persons lawfully interested in, real or personal property or an interest in real or personal property against loss or damage arising from any of the following conditions existing on or before the policy date and not expressly excepted or excluded from coverage:

(A) Defects in, or liens or encumbrances on, the insured title;

(B) Unmarketability of the insured title;

(C) Invalidity, lack of priority, or unenforceability of liens or encumbrances on the property;

(D) Lack of legal right of access to the property; or

(E) Unenforceability of rights in title to the property and other matters affecting the title to, or right to use and enjoyment of, the property.

(19)(A) "Title insurance producer" or "producer" means a person who is authorized to perform, on behalf of a title insurer, the following acts in conjunction with the issuance of a title insurance commitment or policy covering real or personal property situated in the District of Columbia:

(i) Determining insurability and issuing title insurance commitments or policies, or both, based upon the performance or review of a search or abstract of title; and

(ii) Soliciting or negotiating title insurance business.

(B) The term "title insurance producer" or "producer" shall not include:

(i) A financial institution (and its employees) that does not solicit, procure, or negotiate title insurance contracts for compensation or conduct title insurance business;

(ii) An employee of an abstracting company;

(iii) A person whose activities in the District are limited to advertising, without the intent to solicit insurance in the District, through communications in printed publications or other forms of electronic mass media; provided, that the person does not sell, solicit, or negotiate insurance that would insure risks of persons residing in or located in, or activities to be performed, in the District;

(iv) A salaried full-time employee who counsels or advises his or her employer relative to the insurance interests of the employer or of the subsidiaries of the employer; provided, that the employee does not sell, solicit, or negotiate insurance, or receive a commission;

(v) An employee of a title insurer; provided, that the employee's activities are not focused on transactions in the District of Columbia, his or her primary responsibilities cover multiple states, and his or her involvement in transactions is to coordinate with title insurance producers licensed in the District of Columbia who conduct title insurance business.

(20) "Title insurer" or "insurer" means a company organized under laws of this state for the purpose of transacting the business of title insurance and any foreign or non-U.S. title insurer licensed in the District to transact the business of title insurance.

(21) "Underwrite" means to accept or reject, or have the authority to accept or reject, risk on behalf of a title insurer.

(Sept. 24, 2010, D.C. Law 18-223, § 2122, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 4(a), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 deleted the subsection (a) designation; added (4A) and (8A); substituted "or business entity" for "partnership, limited liability company, association, cooperative, corporation, trust, or other legal entity" in (9); repealed (14); substituted "indemnifying against the incorrectness" for "insuring the correctness" in (16)(F); and substituted "real or personal property" for "residential or personal property" in (19)(A).

Legislative history of Law 20-40. — Law 20-40, the "Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarification Amendment Act of 2013", was introduced in Council and assigned Bill No. 20-268. The Bill was adopted on first and second readings on June 26, 2013 and July 10, 2013, respectively. Signed by the Mayor on Aug. 20, 2013, it was assigned Act No. 20-156 and transmitted to Congress for its review. D.C. Law 20-40 became effective on Nov. 5, 2013.

§ 31-5041.02. Licensing requirements.

(a) A person shall not act in the capacity of a title insurance producer and a title insurer shall not contract with any person to act in the capacity of a title insurance producer with respect to risks located in the District unless the person is licensed as a title insurance producer in the District of Columbia in accordance with this chapter.

(b)(1) A title insurance producer licensed in the District shall:

(A) Disclose on all recorded documents the name of the particular title insurer;

(B) Exclude or eliminate the word “insurer” or “underwriter” or similar term from its agency’s name; and

(C) Provide, in a timely fashion, each title insurer with which it places business any information the title insurer reasonably requests to comply with reporting requirements of the Commissioner.

(2) A title insurance producer operating in the District of Columbia licensed in the District of Columbia on January 1, 2011, shall have 180 days after January 1, 2011, to comply with the requirements of this subsection.

(c)(1) The Commissioner shall require the title insurance producer to maintain the coverages listed in paragraph (1A) of this subsection for the benefit of the title insurer in amounts commensurate with the producer’s average exposure, under terms and conditions, and from insurers, acceptable to the Commissioner:

(A) Repealed.

(B) Repealed.

(1A) At the time an application for an initial, renewal, or reinstatement of a title insurance producer license is filed, the applicant shall provide satisfactory evidence to the Commissioner of having secured the applicable proof of financial responsibility as herein provided:

(A) Each business entity with a title insurance producer license is required to obtain an Errors and Omissions policy in an amount not less than \$500,000 per occurrence or claim;

(B) Each individual with a title insurance producer license is required to obtain Errors and Omissions coverage in an amount not less than \$500,000 per occurrence or claim, either through the business entity through which the individual is employed or otherwise covered, or through an individually-issued policy;

(C) Each business entity with a title insurance producer license is required to obtain a surety bond in an amount not less than \$200,000 executed by the applicant as principal and by an insurance company as surety or obligor. The Bond shall run to the District of Columbia government as the obligee and benefit the District or any other aggrieved party, including consumer and title insurers;

(D) Each individual with a title insurance producer license is required to obtain surety coverage in an amount not less than \$200,000, either through a business entity where the individual is employed or otherwise covered, or through an individually issued bond;

(E) Each business entity with a title insurance producer license is required to obtain a fidelity bond or similar insurance policy in an amount not less than \$200,000 that covers all employees and contractors. A sole proprietor with no employees or a limited liability entity with no employees shall be exempt from this requirement.

(2) The Commissioner may promulgate rules specifying acceptable alternatives to the preceding insurance requirements. The availability of closing or settlement protection shall not be an acceptable alternative to the requirements of this subsection.

(d) If the title insurance producer delegates the title search to a third party, such as an abstract company, the title insurance producer shall exercise the appropriate diligence, in good faith, to determine that the third party is covered by or maintains the errors and omissions coverage required by subsection (c) of this section.

(e) All funds collected pursuant to this section shall be deposited into the Securities and Banking Regulatory Trust Fund established by § 31-107(b-2).

(Sept. 24, 2010, D.C. Law 18-223, § 2123, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 4(b), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 rewrote (b)(1)(A) and (c)(1); and added (c)(1A). **Legislative history of Law 20-40.** — See note to § 31-5041.01.

§ 31-5041.05. Policyholder treatment.

(a) Unless otherwise agreed upon in writing, if a title insurance commitment is issued before issuing an owners title insurance policy, the title insurance producer or insurer shall furnish the title insurance commitment no later than the time of closing. The commitment shall be accompanied by the following statement on the 1st page in bold type:

“Please read the exceptions and the terms shown or referred to herein carefully. The exceptions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this form is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.”

(b)(1) A title insurance producer or insurer which has been requested to issue a lender’s title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of an owner-occupied property securing the loan, where no owner’s title insurance policy has been requested, shall give written notice, on a form prescribed or approved by the Commissioner, to the purchaser-mortgagor at the time the commitment is prepared. The notice shall explain:

(A) A lender’s title insurance policy is to be issued protecting the mortgage-lender;

(B) The policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased;

(C) What a title policy insures against and what possible exposures exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's policy; and

(D) The purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner at a specified cost or approximate cost, if the proposed coverages or amount of insurance is not then known.

(2) A copy of the notice, signed by the purchaser-mortgagor, shall be retained in the relevant underwriting file at least 3 years after the effective date of the policy.

(Sept. 24, 2010, D.C. Law 18-223, § 2126, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 4(c), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment By D.C. Law 20-40 substituted “issued before issuing an owners title insurance policy” for “issued preparatory to issuing an owners title insurance policy covering the sale of owner-occupied residential property of 4 or

fewer units” in (a); and substituted “an owner-occupied” for “residential, owner-occupied” in the introductory paragraph of (b)(1).

Legislative history of Law 20-40. — See note to § 31-5041.01.

§ 31-5041.06. Conditions for providing escrow, settlement, closing, and indemnity deposit services.

(a) All funds deposited with the title insurance producer or insurer in connection with an escrow, settlement, closing, or indemnity deposit shall be submitted for collection to or deposited in a fiduciary trust account in accordance with Chapter 24 of Title 42 [§ 42-2401 et seq.], unless otherwise agreed upon in writing, and in accordance with the following requirements:

(1) The funds shall be the property of the person entitled to them under the provisions of the escrow, settlement, indemnity deposit, or closing agreement and shall be segregated for each depository by escrow, settlement, indemnity deposit, or closing in the records of the title insurance producer in a manner that permits the funds to be identified on an individual basis; and

(2) The funds shall be applied only in accordance with the terms of the individual instructions, settlement statement, or agreements under which the funds were accepted.

(b) Funds held in an indemnity deposit account shall be disbursed only pursuant to a written agreement specifying:

(1) What actions the indemnitee shall take to satisfy his or her obligation under the agreement;

(2) The duties of the title insurance producer with respect to disposition of the funds held, including a requirement to maintain evidence of the disposition of the title exception before any balance may be paid over to the depositing party or his or her designee; and

(3) Any other provisions that the Commissioner may require.

(c) Any interest received on funds deposited in connection with any escrow, settlement, indemnity deposit, or closing shall be paid, net of administrative costs, to the depositing party, unless the depositor's written instructions for the funds, a court order, or a governing law provides otherwise.

(d) Disbursements may be made out of an escrow, settlement, or closing account only if deposits in amounts at least equal to the disbursement have first been made directly relating to the transaction disbursed against and if the deposits are in one of the following forms:

(1) Cash;

(2) Wire transfers such that the funds are unconditionally received by the title insurance producer, title insurer, or depository of either;

(3) Checks, drafts, negotiable orders of withdrawal; money orders, and any other item that has been finally paid before any disbursements; provided, that a title insurance producer may accept a check in an amount not to exceed \$3,000 that has not been finally paid before any disbursements;

(4) A depository check, including a certified check, governed by the provisions of the Expedited Funds Availability Act, approved August 10, 1987 (101 Stat. 635; 12 U.S.C. § 4001 et seq.); or

(5) Credit transfers through the Automated Clearing House which have been deemed available by the depository institution receiving the credit transfers and conform to the operating rules set forth by the National Automated Clearing House Association.

(e) This chapter shall not prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction that does not relate to real or personal property; provided, that all parties consent to the transaction in writing.

(f) A title insurance producer who maintains or operates fiduciary trust accounts in connection with providing escrow, closing settlement services shall have an annual audit made of its escrow, settlement, closing, and indemnity deposit accounts, conducted by an accountant at its expense. Alternatively, any title insurer, at its expense, may conduct, or cause to be conducted, an annual audit of the escrow, settlement, closing, and security deposit accounts of the title insurance producer, subject to the rules by the Commissioner as hereinafter set forth. The Commissioner may promulgate rules setting forth the minimum threshold level at which an audit would be required, the standards of audit, and the forms of audit report required. Title insurance producers who are attorneys licensed in any state or the District of Columbia, who are not exclusively in the business of title insurance, and who issue title insurance policies as part of their legal representation of clients shall be exempt from the requirements of this subsection; provided, that the title insurer may, at its expense, conduct, or cause to be conducted, an annual review or audit of the escrow, settlement, closing, and indemnity deposit accounts of the attorney. The Commissioner may also require the title insurance producer or escrow agent to provide a copy of its audit report to the Commissioner.

(g) If the title insurance producer is appointed by 2 or more title insurers and maintains fiduciary trust accounts in connection with providing escrow, closing settlement services, the title insurance producer shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information to ascertain the safety and security of the funds held by the title insurance producer.

(h) The Commissioner may prescribe standard disclosures that must be included in all agreements for escrow, settlement, closing, or indemnity deposits.

(Sept. 24, 2010, D.C. Law 18-223, § 2127, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 4(d), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 substituted “real or personal property” for “residential property” in (e); and in (f) substituted “at its expense” for “on a calendar year basis at its expense within 90 days after the close of the previous calendar year” and deleted the former

third sentence, which read “By April 30th of each year, the title insurance producer shall provide a copy of the audit report to each title insurer which it represents or for which it was an appointed producer with the Company.”

Legislative history of Law 20-40. — See note to § 31-5041.01.

§ 31-5041.07. Prohibition of rebate and fee splitting.

(a) In a real or personal property transaction, a title insurance producer, a title insurer, or any employee or representative of a title insurance producer or a title insurer, shall not pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium named in a policy of insurance, or any valuable consideration or inducement, whether or not specified or provided for in the policy, except to the extent provided for in an applicable filing with the Commissioner as provided by law.

(b) In a real or personal property transaction, an insured named in a policy, or any employee of the insured, shall not knowingly receive or accept, directly or indirectly, any rebate, discount, abatement, credit, or reduction of premium, or any special favor, advantage, valuable consideration, or inducement, as specified in subsection (a) of this section.

(c) This section shall not prohibit:

(1) The payment of commissions or other compensation to domestic or foreign licensed title insurance producers or title insurer employees; or

(2) Any insurer from allowing or returning to its participating policyholders, members, or subscribers dividends, savings, or unabsorbed premium deposits.

(Sept. 24, 2010, D.C. Law 18-223, § 2128, 57 DCR 6242; Nov. 5, 2013, D.C. Law 20-40, § 4(e), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40, in (a), substituted “real or personal property transaction, a title insurance producer, a title insurer” for “residential property transaction, a title insurer” and substituted “representative of a title

insurance producer or a title insurance producer or a title insurer” for “representative of a title insurer”; and substituted “real or personal property” for “residential property” in (b).

Legislative history of Law 20-40. — See note to § 31-5041.01.

TITLE 32. LABOR.

CHAPTER 2. EMPLOYMENT OF MINORS.

Subchapter I. General.

§ 32-213. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 112(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 10. MINIMUM WAGES.

Subchapter I. General.

§ 32-1011. Penalties; prosecution.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 112(d) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 13. WAGES AND WORKPLACE FRAUD.

Subchapter I. Payment and Collection of Wages.

§ 32-1307. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 112(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 15. WORKERS' COMPENSATION.

§ 32-1535. Compensation for injuries where third persons are liable.

Section references. — This section is referenced in § 32-1507.

Temporary legislation. — For temporary (225 days) amendment of this section, see §§ 2 and 3 of the Workers' Compensation Statute of Limitations Temporary Amendment Act of 2013 (D.C. Law 20-25, Oct. 17, 2013, 60 DCR 11115), applicable to causes of action for negligence for

which the 3-year statute of limitations has not expired.

Emergency legislation. — For temporary (90 days) amendment of this section, see §§ 2 and 3 of the Workers' Compensation Statute of Limitations Emergency Act of 2013 (D.C. Act 20-98, June 27, 2013, 60 DCR 9851, 20 DCSTAT 1456).

For temporary (90 days) amendment of this section, see §§ 2 and 3 of the Workers' Compensation Statute of Limitations Congressional Re-

view Emergency Amendment Act of 2013 (D.C. Act 20-177, October 4, 2013, 60 DCR 3958).

TITLE 34. PUBLIC UTILITIES.

SUBTITLE III. ELECTRICITY.

Chapter

14A. Renewable Energy Portfolio Standards.

15. Retail Electric Competition and Consumer Protection.

SUBTITLE III. ELECTRICITY.

CHAPTER 14A. RENEWABLE ENERGY PORTFOLIO STANDARDS.

Sec.

34-1434. Reporting requirements and compliance fee.

§ 34-1434. Reporting requirements and compliance fee.

(a) Each electricity supplier shall submit an annual compliance report to the Commission, by a date and in a form prescribed by the Commission.

(b)(1) Each report shall include clear and concise information that:

(A) Demonstrates that the electricity supplier has complied with the applicable standard under § 34-1432 and includes the submission of the required amount of renewable energy credits; or

(B) Demonstrates the amount of electricity sales by which the electricity supplier fails to meet the applicable renewable energy portfolio standard.

(2) Each report shall also include any other information that the Commission by regulation or order may consider relevant.

(c) If an electricity supplier fails to comply with the renewable energy portfolio standard for the applicable year, the electricity supplier shall pay into the Fund a compliance fee of:

(1) Five cents for each kilowatt-hour of shortfall from required tier one renewable sources;

(2) One cent for each kilowatt-hour of shortfall from required tier two renewable sources; and

(3) Fifty cents in 2011 through 2016; 35 cents in 2017; 30 cents in 2018; 20 cents in 2019 through 2020; 15 cents in 2021 through 2022; and 5 cents in 2023 and thereafter for each kilowatt-hour of shortfall from required solar energy sources.

(d) Beginning on March 1, 2010, and annually thereafter, energy companies that sell electricity in the District of Columbia shall file an energy portfolio report for the preceding calendar year with DDOE, which shall include a breakdown of the average cost per kilowatt hour of electricity that the company

sold in the District of Columbia by source of generation, to include coal, gas, oil, nuclear, solar, land-based wind, off-shore wind, and other renewable sources. The breakdown of cost should also include the average capital cost per kilowatt, as well as the average fixed and variable costs associated with operations and maintenance per megawatt.

(e) Repealed.
(f) The District Department of the Environment shall publish on its website at least annually a report that describes progress towards the solar generation goals provided in the renewable energy portfolio standard and a comparison with other sources of energy used in the District. Each report shall detail the equitable distribution of resources consistent with the policy findings in § 34-1501.01.

(Apr. 12, 2005, D.C. Law 15-340, § 6, 52 DCR 2285; Oct. 22, 2008, D.C. Law 17-250, § 301(c), 55 DCR 9225; Oct. 20, 2011, D.C. Law 19-36, § 2(b), 58 DCR 6837; Dec. 13, 2013, D.C. Law 20-47, § 3, 60 DCR 15138.)

Section references. — This section is referenced in § 34-1435 and § 34-1436.
Effect of amendments.
The 2013 amendment by D.C. Law 20-47 added (f).
Legislative history of Law 20-47. — Law 20-47, the “Community Renewable Energy Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-57. The Bill was adopted on first and second readings on July 10, 2013, and Oct. 1, 2013, respectively. Signed by the Mayor on Oct. 17, 2013, it was assigned Act No. 20-186 and transmitted to Congress for its review. D.C. Law 20-47 became effective on December 13, 2013.

CHAPTER 15. RETAIL ELECTRIC COMPETITION AND CONSUMER PROTECTION.

Sec.	Sec.
34-1501. Definitions.	34-1521. Consumer disclosure requirements.
34-1501.01. Policy findings.	34-1522. Recovery of CREF implementation costs.
34-1518. Net metering.	
34-1518.01. Community renewable energy facilities.	

§ 34-1501. Definitions.

For the purposes of this chapter, the term:

(1) “Affiliate” means a person who directly or indirectly, or through one or more intermediaries, controls, is controlled by, or is under common control with, or has directly or indirectly, any economic interest in another person.

(2) “Aggregator” means a person who acts on behalf of customers to purchase electricity.

(3) “Aggregation program” means any system developed by an aggregator for organizing customers into a single purchasing unit.

(4) “Anticompetitive condition” means a condition which would allow a party to:

(A) Exercise vertical or horizontal market power;

(B) Use the ownership or control of a regulated facility to favor an unregulated affiliate or subsidiary or to discriminate against a non-affiliated entity;

(C) Erect a barrier to entry; or

(D) Compete unfairly or deny effective competition to consumers.

(5) "Anticompetitive conduct" means an activity which would:

(A) Violate any applicable antitrust law;

(B) Constitute favorable treatment of an affiliate;

(C) Discriminate against an unrelated entity;

(D) Constitute a barrier to entry; or

(E) Confer an unfair competitive advantage upon an entity.

(6) "Bid premium" means a payment by an electricity supplier to the Commission for the right to provide standard offer service in the District of Columbia.

(7) "Broker" means a person who acts as an agent or intermediary in the sale and purchase of electricity but who does not take title to electricity.

(8) "Competitive billing" means the right of a customer to receive a single bill from the electric company, a single bill from the electricity supplier, or separate bills from the electric company and the electricity supplier.

(9) "Commission" means the Public Service Commission of the District of Columbia.

(9A) "Community net metering" means a billing arrangement under which the monetary value of electric energy generated by a community renewable energy facility and delivered to the electric company's local distribution facilities is used to offset electric energy charges accrued during a subscriber's applicable billing period.

(9B) "Community renewable energy facility" or "CREF" means an energy facility using renewable resources defined as tier one renewable sources in § 34-1431(15) that is located within the District of Columbia and where the monetary value of electricity generated by the facility is credited to the subscribers of the facility.

(10) "Competitive Transition Charge" means a rate, charge, credit, or other appropriate mechanism authorized to be imposed for the recovery of transition costs as determined by the Commission under § 34-1510.

(11) "Consolidator" means any owner of or property manager for multi-family residential, commercial office, industrial, and retail facilities who combines more than one property for the primary purpose of contracting with an aggregator or electric energy service provider for electric energy services for those properties, and who:

(A) Does not take title to electric energy;

(B) Does not sell electric energy to buildings not owned or managed by such owner or property manager;

(C) Does not offer aggregation of electric energy services to other, unrelated end-users; and

(D) Arranges for the purchase of electric energy services only from duly licensed electric energy service providers or aggregators.

(12) "Consumer" or "customer" each means a purchaser of electricity for end use in the District of Columbia. The term excludes an occupant of a

building where the owner, lessee, or manager manages the internal distribution system serving the building and supplies electricity solely to occupants of the building for use by the occupants.

(12A) "CREF credit rate" means a credit rate applied to subscribers of community renewable energy facilities which shall be equal to the standard offer service rate for the General Service Low Voltage Non-Demand Customer class or its successor, as determined by the Commission, based upon § 34-1518.

(13) "Customer-based aggregation program" means a program in which customers pool their loads to shop more effectively for electricity supply, electricity supply services, or any service declared to be a potentially competitive service.

(14) "Customer choice" or "choice of electricity suppliers" each means the right of electricity suppliers and consumers to use and interconnect with the electric distribution system on a nondiscriminatory basis in order to distribute electricity from any electric supplier to any customer. Under this right, consumers shall have the opportunity to purchase electricity supply from their choice of licensed electricity suppliers.

(15) "Customer-generator" means a residential or commercial customer that owns and operates an electric generating facility that:

(A) Has a capacity of not more than 1000 kilowatts;

(B) Uses renewable resources, cogeneration, fuel cells, or microturbines;

(C) Is located on the customer's premises;

(D) Is interconnected with the electric company's transmission and distribution facilities; and

(E) Is intended primarily to offset all or part of the customer's own electricity requirements.

(15A) "Department" means the District Department of the Environment.

(15B) "Director" means the Director of the District Department of the Environment or his or her designee.

(16) "Effective competition" means, with respect to the markets for electricity supply, billing, and those services declared by the Commission to be potentially competitive services a market structure under which an individual seller is not able to influence significantly the price of the service as a result of the number of sellers of the service, the size of each seller's share of the market, the ability of the sellers to enter or exit the market, and the price and availability of comparable substitutes for the service.

(16A) "Electric company" shall have the same meaning as provided in § 34-207.

(17) "Electricity supplier" means a person, including an aggregator, broker, or marketer, who generates electricity; sells electricity; or purchases, brokers, arranges or, markets electricity for sale to customers. The term excludes the following:

(A) Building owners, lessees, or managers who manage the internal distribution system serving such building and who supply electricity solely to occupants of the building for use by the occupants;

(B)(i) Any person who purchases electricity for its own use or for the use of its subsidiaries or affiliates; or

(ii) Any apartment building or office building manager who aggregates electric service requirements for his or her building or buildings, and who does not:

(I) Take title to electricity;

(II) Market electric services to the individually-metered tenants of his or her building; or

(III) Engage in the resale of electric services to others;

(C) Property owners who supply small amounts of power, at cost, as an accommodation to lessors or licensees of the property; and

(D) A consolidator.

(17A) "Gender identity or expression" shall have the same meaning as provided in § 2-1401.02(12A).

(17B) "Individual billing meter" means an individual meter or a set of meters when meters are combined for billing purposes.

(18) "Initial implementation date" means the first day on which customers in the District of Columbia shall have the ability to choose an electricity supplier. Unless accelerated or delayed by the Commission under § 34-1502(c), the initial implementation date shall be January 1, 2002.

(19) "Marketer" means a person who purchases and takes title to electricity as an intermediary for sale to customers.

(20) "Market participant" means any electricity supplier (including an affiliate of the electric company) or any person providing billing services or services declared by the Commission to be potentially competitive services.

(21) "Net energy metering" means measuring the difference between the electricity supplied to an eligible customer-generator from the electric grid and the electricity generated and fed back to the electric grid by the eligible customer-generator.

(22) "Pilot program" means a transitional program approved by the Commission prior to the initial implementation date under which customer choice is implemented for a percentage of each customer class.

(23) "Potentially competitive service" means a component of electric service (other than electricity supply and billing) determined by the Commission to be suitable for purchase by customers from alternative sellers under § 34-1504(e).

(24)(A) "Public purpose program" means a program implemented with the intention of furthering a public purpose.

(B) "Public purpose program" includes:

(i) A universal service program;

(ii) A program encouraging renewable energy resources;

(iii) A demand-side management or other energy efficiency or conservation program; and

(iv) A consumer education program.

(24A) "Renewable energy credit" shall have the same meaning as provided in § 34-1431(10).

(25) "Schedule" means a list of the dates on which each customer class, or a designated percentage of each customer class, is eligible for customer choice and competitive billing.

(25A) "SOS administrator" means the provider of standard offer service mandated by § 34-1509.

(26) "Standard offer service" means that electric service mandated by § 34-1509.

(27) "Subscriber" means a retail customer of the electric company who owns a subscription and who has identified an individual billing meter within the District of Columbia to which the subscription shall be attributed.

(27A) "Subscriber organization" means any for-profit or nonprofit entity permitted by District of Columbia law that owns or operates one or more community renewable energy facilities for the benefit of the subscribers.

(27B) "Subscription" means a percentage interest in a community renewable energy facility's electrical production.

(28) "Transition costs" means costs, liabilities, and investments (including regulatory assets) allocable to the District of Columbia to the extent the costs, liabilities, and investments:

(A) Traditionally have been or would be recoverable under the existing regulatory structure (with retail rates for the provision of electric service), but will not be recoverable in the restructured electricity supply market; or

(B) Arise as a result of electric industry restructuring and are related to the creation of customer choice.

(29) "Wholesale electricity supplier" means the electric company, which, pursuant to § 34-1509, obtains bids from, and contracts for electric service with, third parties and provides standard offer service to retail customers.

(May 9, 2000, D.C. Law 13-107, § 101, 47 DCR 1091; Mar. 30, 2004, D.C. Law 15-113, § 2(a), 51 DCR 1349; June 25, 2008, D.C. Law 17-177, § 18(a), 55 DCR 3696; Oct. 22, 2008, D.C. Law 17-250, § 302, 55 DCR 9225; Dec. 13, 2013, D.C. Law 20-47, § 2(a), 60 DCR 15138.)

Section references. — This section is referenced in § 34-1551 and § 34-1561.

Effect of amendments.

The 2013 amendment by D.C. Law 20-47 added (9A), (9B), (12A), (15A), (15B), (16A), (17B), (24A), (25A), (27), (27A), and (27B).

Legislative history of Law 20-47. — Law 20-47, the "Community Renewable Energy

Amendment Act of 2013," was introduced in Council and assigned Bill No. 20-57. The Bill was adopted on first and second readings on July 10, 2013, and Oct. 1, 2013, respectively. Signed by the Mayor on Oct. 17, 2013, it was assigned Act No. 20-186 and transmitted to Congress for its review. D.C. Law 20-47 became effective on December 13, 2013.

§ 34-1501.01. Policy findings.

The Council of the District of Columbia adopts the following policy findings in support of community renewable energy:

(1) Local communities benefit from the deployment of tier one renewable energy in the District, and the Council hereby encourages the Department to establish programs that support development of such projects;

(2) It is in the public interest that the Department encourages broad participation in District-based tier one renewable electric generation by

District residents, not-for-profit entities, and for-profit entities through outreach efforts and programs in all 8 wards;

(3) It is in the public interest that the Department enables the development and deployment of community renewable energy facilities for the following purposes:

(A) To allow renters and low- to moderate-income retail electric customers to own interests in tier one renewable energy generating facilities;

(B) To allow interests in tier one renewable energy generation facilities to be portable and transferrable;

(C) To facilitate market entry for all potential subscribers, while prioritizing those persons most sensitive to market barriers; and

(D) To encourage developers to promote participation by renters and low- to moderate-income retail electric customers; and

(4) It is in the public interest for developers to encourage participation by renters and low- to moderate-income retail electric customers.

(May 9, 2000, D.C. Law 13-107, § 101a, as added Dec. 13, 2013, D.C. Law 20-47, § 2(b), 60 DCR 15138.)

Section references. — This section is referenced in § 34-1434.

Effect of amendments. — The 2013 amendment by D.C. Law 20-47 added this section.

Legislative history of Law 20-47. — See note to § 34-1501.

§ 34-1506. Duties of the electric company.

Section references. — This section is referenced in § 34-1504.

Temporary Addition of Section.

For temporary (225 days) addition of D.C. Law 13-107, § 106a, prohibiting disconnection of service in extreme temperature, see § 2 of the Heat Wave Safety Temporary Amendment Act of 2013 (D.C. Law 20-21, October 3, 2013, 60 DCR 10878).

Emergency legislation.

For temporary (90 days) addition of D.C. Law 13-107, § 106a, concerning disconnection of service in extreme temperature, see § 2 of the Heat Wave Safety Emergency Amendment Act of 2013 (D.C. Act 20-83, June 14, 2013, 60 DCR 9303, 20 DCSTAT 1438).

§ 34-1518. Net metering.

(a) The Commission may establish a program which affords eligible customer-generators the opportunity to participate in net energy metering.

(b) Any net energy metering program established by the Commission shall be subject to the following:

(1) The program may include, as the Commission determines will facilitate the provision of net energy metering, requirements for:

(A) Retail sellers;

(B) Owners or operators of distribution or transmission facilities;

(C) Providers of default service; or

(D) Eligible customer-generators.

(2) The Commission shall ensure that the metering equipment installed for net metering shall be capable of measuring the flow of electricity in 2 directions, and shall allocate fairly the cost of such equipment and any

necessary interconnection. An eligible customer-generator's net metering system for renewable resources, cogeneration, fuel cells, and microturbines shall meet all applicable safety and performance standards. The Commission may adopt by regulation additional control and testing requirements for customer-generators that the Commission determines are necessary to protect public safety and system reliability.

(3) If the electricity supplied by an electricity supplier exceeds the electricity generated by the customer-generator and fed back into the electric grid during the billing period, the customer-generator shall be billed for the net electricity supplied by the electricity supplier in accordance with net metering rules established by the Commission.

(4) If electricity generated by the customer-generator and fed back into the electric grid exceeds the electricity supplied by the electricity supplier, the customer generator may receive compensation based on the net metering rules established by the Commission.

(5) The Commission shall establish additional rules as necessary for the electric company to implement the following provisions:

(A) A community renewable energy facility shall meet all applicable safety and performance standards. The Commission may adopt by rulemaking additional control and testing requirements for community renewable energy facilities that the Commission considers necessary to protect public safety and system reliability.

(B) The owners of, subscribers to, and any subscriber organization controlling a community renewable energy facility shall not be considered public utilities or electricity suppliers solely as a result of their interest or participation in the community renewable energy facility.

(C) Prices paid for subscriptions and contractual matters in a community renewable energy facility shall not be subject to the jurisdiction of the Commission.

(D) The subscriber organization or the third-party owner shall own the renewable energy credits associated with the electricity generated by the community renewable energy facility, unless the credits were explicitly contracted for through a separate transaction independent of any net metering or interconnection agreement or contract.

(E) The owner or operator of each community renewable energy facility shall follow all procedures for interconnection specified in Chapter 40 of Title 15 of the District of Columbia Municipal Regulations.

(F) All electricity exported to the grid by the community renewable energy facility shall become the property of the SOS administrator, pursuant to § 34-1518.01(h), but shall not be counted toward the electric company's total retail sales for purposes of Chapter 14A of this title [§ 34-1431 et seq.]. The SOS administrator shall use subscribed energy to offset purchases from wholesale suppliers for standard offer service.

(G) The monetary value of subscribed energy produced by a community renewable energy facility shall be determined as established in this section, as implemented by the Commission.

(H) The amount of electricity generated each month available for allocation as subscribed or unsubscribed energy shall be determined by a

revenue quality production meter installed and paid for by the owner of the community renewable energy facility. It shall be the electric company's responsibility to read the production meter.

(I) The determination of the monetary value of credits allocated to each subscriber to a particular community renewable energy facility shall be based on each subscriber's percentage interest of the total production of the community renewable energy facility.

(J) Each billing month, the value of the credits allocated to each subscriber shall be calculated by multiplying the quantity of kilowatt hours allocated to each subscriber by the subscriber's CREF credit rate.

(K) If the value of the credits generated by the community renewable energy facility allocated to the subscriber exceeds the amount owed by the subscriber as shown on the subscriber's bill at the end of the billing period, the remaining value of the credit shall carry over from month to month until the value of any remaining credits are used.

(L) If the value of the credit generated by the community renewable energy facility allocated to the subscriber is less than the amount owed by the subscriber as shown on the subscriber's bill at the end of the applicable billing period, the subscriber shall be billed for the difference between the amount shown on the bill and the value of the available credits.

(M) If the subscriber is served by an energy supplier other than the SOS administrator, the subscriber shall be billed by the energy supplier for the full kilowatt-hours consumed by the subscriber during the billing period, and will receive the value of the credits generated by the CREF from the SOS administrator at the subscriber's CREF credit rate.

(May 9, 2000, D.C. Law 13-107, § 118, 47 DCR 1091; Dec. 13, 2013, D.C. Law 20-47, § 2(c), 60 DCR 15138.)

Section references. — This section is referenced in § 34-1501.

Effect of amendments. — The 2013 amendment by D.C. Law 20-47 added (b)(5).

Legislative history of Law 20-47. — See note to § 34-1501.

§ 34-1518.01. Community renewable energy facilities.

(a) A community renewable energy facility may produce no greater than 5 megawatts of electricity and must have at least 2 subscribers.

(b) A subscriber to an eligible community renewable energy facility may offset no more than 120% of the subscriber's electricity consumption over the previous 12 months.

(c) Each subscription shall represent a percentage of the community renewable energy facility's generating capacity; provided, that the subscription is intended primarily to offset part or all of the subscriber's own electrical requirements.

(d) All individual billing meters for subscriptions to community renewable energy facilities shall be within the District of Columbia.

(e) A community renewable energy facility may be built, owned, or operated by a third party under contract with a subscriber organization.

(f) A community renewable energy facility may add capacity and subscribers to its facility if the added capacity and subscribers do not reduce the electrical production benefit to existing subscribers.

(g) A community renewable energy facility may update its subscribers no more frequently than once per quarter. Each quarter the owner of a CREF or its designated agent shall provide the following information about its subscribers to the electric company as required to facilitate net metering for subscribers:

(1) Name, address, and account number of each subscriber; and

(2) The percentage interest of each subscriber in the capacity of the CREF;

(h) The electric company may require that a CREF and its subscribers have their meters read on the same billing cycle.

(i) If the electrical capacity of a community renewable energy facility is not fully subscribed, the SOS administrator shall purchase the energy associated with the unsubscribed capacity at the PJM Locational Marginal Price for the PEPCO zone, adjusted for ancillary service charges.

(j) Subscribers shall be eligible to receive electricity credits so long as the CREF continues to generate and provide power to the distribution grid, regardless of the bankruptcy or contractual default of any subscriber or of the subscriber organization.

(k) A community renewable energy facility shall not add subscribers without adhering to the consumer protection provisions contained in § 34-1507.

(l) A community renewable energy facility may not sell subscriptions totaling more than 100% of its energy generation.

(May 9, 2000, D.C. Law 13-107, § 118a, as added Dec. 13, 2013, D.C. Law 20-47, § 2(d), 60 DCR 15138.)

Section references. — This section is referenced in § 34-1518.

Legislative history of Law 20-47. — See note to § 34-1501.

Effect of amendments. — The 2013 amendment by D.C. Law 20-47 added this section.

§ 34-1521. Consumer disclosure requirements.

(a) An entity selling or reselling an interest in a community renewable energy facility shall provide a disclosure to the potential subscriber that includes the following, prior to the sale or resale of that subscription:

(1) A good faith estimate of the annual kilowatt hours to be delivered by the community renewable energy facility based on the size of the subscriber's interest;

(2) A plain language explanation of the terms under which the bill credits will be calculated;

(3) A plain language explanation of the contract provisions regulating the disposition or transfer of the subscription; and

(4) A plain language explanation of the costs and benefits to the potential subscriber based on the subscriber's current usage and applicable tariff, for the term of the proposed contract.

(b) The Mayor or his or her designee may require that any entity engaged in the sale or resale of a subscription in a community renewable energy facility provide additional disclosure to the buyer or lessee, the Mayor, or both.

(c) All contracts for the sale or resale of a subscription in a community renewable energy facility for use in a residential dwelling may be reviewed by the Mayor or his or her designee upon request.

(d) The Mayor pursuant to subchapter 1 of Chapter 5 of Title 2 [§ 2-501 et seq.], may issue rules to carry out the disclosure requirements contained in this section.

(May 9, 2000, D.C. Law 13-107, § 121, as added Dec. 13, 2013, D.C. Law 20-47, § 2(e), 60 DCR 15138.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-47 added this section.
Legislative history of Law 20-47. — See note to § 34-1501.

§ 34-1522. Recovery of CREF implementation costs.

Pursuant to §§ 34-1101 and 34-901, the electric company may seek recovery of any costs associated with the implementation of this chapter in a base rate case. In a base rate case filing that includes recovery of such costs, the electric company shall include in its filing with the Commission any benefits and costs to the electric company. Any recovery of the net costs by the electric company approved by the Commission shall occur solely through a rate assessment of the subscribers.

(May 9, 2000, D.C. Law 13-107, § 122, as added Dec. 13, 2013, D.C. Law 20-47, § 2(e), 60 DCR 15138.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-47 added this section.
Legislative history of Law 20-47. — See note to § 34-1501.

SUBTITLE VI. WATER AND SEWER.

CHAPTER 22. WATER AND SEWER AUTHORITY.

Subchapter II. General Provisions.

§ 34-2202.03. General powers of Authority.

Section references. — This section is referenced in § 34-2202.07.

CASE NOTES

ANALYSIS

Time limitations.
Water bills.

Time limitations.

D.C. Mun. Regs. tit. 21, § 412.2 is a claim-processing rule, not a jurisdictional rule, and thus the District of Columbia Water and Sewer Authority (D.C. Water) lawfully may waive compliance with it. D.C. Water does not have to waive the time limitation in § 412.2; it can avoid potential prejudice to its operations by declining to do so. *Gatewood v. District of Columbia Water & Sewer Auth.*, — A.3d —, 2013 D.C. App. LEXIS 389 (July 3, 2013).

Water bills.

With respect to a challenge to a water bill, the hearing officer must (1) accept the customer's credible, un rebutted evidence of an erroneous bill; and (2) shift the burden of evidentiary production to the District of Columbia Water and Sewer Authority once the customer has established a prima facie case of non-responsibility. *Gatewood v. District of Columbia Water*

& Sewer Auth., — A.3d —, 2013 D.C. App. LEXIS 389 (July 3, 2013).

Customer that challenged his water bill did not have the burden of proving meter malfunction as part of his prima facie case; the burden as to the meter shifted to District of Columbia Water and Sewer Authority either to show that the customer's meter had functioned properly in all essential respects, or at least to present persuasive circumstantial evidence that malfunction was unlikely. *Gatewood v. District of Columbia Water & Sewer Auth.*, — A.3d —, 2013 D.C. App. LEXIS 389 (July 3, 2013).

As a customer presented un rebutted evidence tending to show that his water bill was erroneous, thereby carrying his initial burden of persuasion, the burden shifted to the District of Columbia Water and Sewer Authority to produce evidence in rebuttal; as it failed to do so, the hearing officer erred in rejecting the customer's challenge to the bill. *Gatewood v. District of Columbia Water & Sewer Auth.*, — A.3d —, 2013 D.C. App. LEXIS 389 (July 3, 2013).

SUBTITLE I. GENERAL.

CHAPTER 2. STREET RAILWAYS AND BUS LINES.

Subchapter II. Student Fares.

§ 35-233. Validity of reduced fares; requirements for eligibility.

Section references. — This section is referenced in § 35-234, § 35-235, and § 35-236.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Foster Youth Transit Subsidy Temporary Amendment Act of 2013 (D.C. Law 20-20, October 3, 2013, 60 DCR 10876).

For temporary (225 days) amendment of this section, see §§ 2 and 3 of the School Transit Subsidy Temporary Amendment Act of 2013 (D.C. Law 20-43, December 5, 2013, 60 DCR 14718).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of

the Foster Youth Transit Subsidy Emergency Act of 2013 (D.C. Act 20-65, May 11, 2013, 60 DCR 7228, 20 DCSTAT 1414).

For temporary (90 days) amendment of this section, see §§ 2 to 4 of the School Transit Subsidy Emergency Act of 2013 (D.C. Act 20-145, July 31, 2013, 60 DCR 11805, 20 DCSTAT 1996).

For temporary (90 days) amendment of this section, see §§ 2 and 3 of the School Transit Subsidy Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-203, October 17, 2013, 60 DCR 15339).

TITLE 36. TRADE PRACTICES.

CHAPTER 4. TRADE SECRETS.

§ 36-401. Definitions.

CASE NOTES

Burden of proof.

Because the only contradictory evidence proffered by a corporation was the hearsay testimony of its employees, which did not obviously fall into a recognized exception, the corporation had not met its burden of producing admissible

evidence as to the existence of a dispute of material fact with respect to defendants' alleged misappropriation of a government contract proposal. Wash. Consulting Group v. Raytheon Tech. Servs. Co., — WLR —, 2013 D.C. Super. LEXIS 5 (Mar. 7, 2013).

TITLE 37. WEIGHTS, MEASURES, AND MARKETS.

CHAPTER 1A. VENDING REGULATION.

§ 37-131.10. Rules.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Vending Regulation Temporary Amendment Act of 2013 (D.C. Law 20-24, Oct. 17, 2013, 60 DCR 11102).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2 of the Vending Regulation Emergency Amend-

ment Act of 2013 (D.C. Act 20-84, June 19, 2013, 60 DCR 9534, 20 DCSTAT 1439).

For temporary (90 days) amendment of this section, see § 2 of the Vending Regulation Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-171, September 30, 2013, 60 DCR 14746).

TITLE 38. EDUCATIONAL INSTITUTIONS.

SUBTITLE I. PUBLIC EDUCATION — PRIMARY AND SECONDARY.

Chapter

2. Compulsory School Attendance and Expulsion.

7C. Testing Integrity.

SUBTITLE V. EDUCATION PERSONNEL.

Chapter

20. Retirement of Public School Teachers.

SUBTITLE VIII. STATE LEVEL AGENCIES.

26. Office of the State Superintendent of Education.

SUBTITLE I. PUBLIC EDUCATION — PRIMARY AND SECONDARY.

CHAPTER 2. COMPULSORY SCHOOL ATTENDANCE AND EXPULSION.

Subchapter I. School Attendance

Part C

Part A

Administration.

Definitions

Sec.

Sec.

38-201. Definitions.

38-211. Department of School Attendance and Work Permits — Creation. [Repealed].

38-212. Department of School Attendance and Work Permits — Director; appointments. [Repealed].

38-213. Court jurisdiction.

Part B

Compulsory School Attendance

38-202. Establishment of school attendance requirements.

38-203. Enforcement; penalties.

38-204. Census of minors.

38-205. Report of enrollments and withdrawals.

38-206. Penalty for failure to provide correct information.

38-207. Authority of police over truant child.

38-208. Truancy procedures; inter-agency coordination.

38-209. Reporting requirements.

Subchapter II. Expulsion of Students

Part B

Report

38-235. Suspension and expulsion report.

Subchapter III. Truancy and Dropout Prevention

38-241. Truancy and Dropout Prevention Program.

Subchapter I. School Attendance.

PART A.

DEFINITIONS.

§ 38-201. Definitions.

For the purposes of this subchapter, the term:

(1) Repealed.

(2) "District" means the District of Columbia.

(2A) "Educational institution" means a school in the District of Columbia Public Schools system, a public charter school, an independent school, a private school, a parochial school, or a private instructor.

(3) "Minor" means a person who has not reached 18 years of age, pursuant to § 46-101.

(3A) "Parent" means a parent, guardian, or other person who resides in the District and who has custody or control of a minor 5 years of age or older.

(3B) "School-based student support team" means a team formed to support the individual student by developing and implementing action plans and strategies that are school-based or community-based, depending on the availability, to enhance the student's success with services, incentives, intervention strategies, and consequences for dealing with absenteeism.

(4) "School year" means the period from the opening of regular school programs, typically in September, until the closing of regular school programs, typically in June.

(Feb. 4, 1925, ch. 140, Art. I, § 1, as added Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Oct. 26, 2010, D.C. Law 18-242, § 3(a), 57 DCR 7555; June 7, 2012, D.C. Law 19-141, § 302(a), 59 DCR 3083; Sept. 19, 2013, D.C. Law 20-17, § 101(a), 60 DCR 9839.)

Section references. — This section is referenced in § 4-1321.02 and § 38-1800.02.

Effect of amendments.

The 2013 amendment by D.C. Law 20-17 repealed (1), defining "Board"; added (2A); added (3A); and redesignated former (3A) as (3B).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101(a) of the Attendance Accountability Emergency Act of 2013 (D.C. Act

20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — Law 20-17, the "Attendance Accountability Amendment Act of 2013", was introduced in Council and assigned Bill No. 20-72. The Bill was adopted on first and second readings on May 7, 2013 and June 4, 2013, respectively. Signed by the Mayor on June 24, 2013, it was assigned Act No. 20-94 and transmitted to Congress for its review. D.C. Law 20-17 became effective on September 19, 2013.

PART B.

COMPULSORY SCHOOL ATTENDANCE.

§ 38-202. Establishment of school attendance requirements.

(a) Every parent, guardian, or other person, who resides permanently or temporarily in the District during any school year and who has custody or control of a minor who has reached the age of 5 years or will become 5 years of age on or before September 30th of the current school year shall place the minor in regular attendance in an educational institution during the period of each year when the public schools of the District are in session. This obligation of the parent, guardian, or other person having custody extends until the minor reaches the age of 18 years. For the purpose of this section placement in summer school is not required.

(b) Any minor who has satisfactorily completed the senior high school course of study prescribed by the Board and has been granted a diploma that certifies his or her graduation from high school, or who holds a diploma or certificate of graduation from another course of study determined by the Board to be at least equivalent to that required by the Board for graduation from the public senior high schools, shall be excused from further attendance at school.

(c) Any minor who has reached the age of 17 years may be allowed flexible school hours by the Superintendent of Schools provided he or she is actually, lawfully, gainfully, and regularly employed, but in no case shall he or she be excused entirely from regular attendance or excused to the extent that his or her timely graduation would be jeopardized or prevented.

(d) The Board shall, pursuant to subchapter I of Chapter 5 of Title 2, issue rules to establish requirements to govern acceptable credit for studies completed at independent or private schools and private instruction, to govern the validity of applications for permission to be absent from school, to govern the selection and appointment of appropriate staff members to carry out the provisions of this chapter under the direction of the Superintendent of Schools, pursuant to Chapter 6 of Title 1, and in respect to other matters within the scope of authority of the Board that relates to this subchapter.

(Feb. 4, 1925, 43 Stat. 806, ch. 140, Art. I, §§ 1, 2; renumbered as Art. II, § 1 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; July 18, 2008, D.C. Law 17-202, § 604, 55 DCR 6297; Sept. 19, 2013, D.C. Law 20-17, § 303(a), 60 DCR 9839.)

Section references. — This section is referenced in § 2-1571, § 16-2309, § 38-203, § 38-206, § 38-1800.02, and § 38-2605.

Effect of amendments.

The 2013 amendment by D.C. Law 20-17 substituted “an educational institution” for “a public, independent, private, or parochial school, or in private instruction” in (a).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 303(a) of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — See note to § 38-201.

§ 38-203. Enforcement; penalties.

(a) An accurate daily record of the attendance of all minors covered by § 38-202 and this section shall be kept by the teachers of each educational institution. These records shall be open for inspection at all times by the Board, the Superintendent of Schools, school attendance officers, or other persons authorized to enforce this subchapter.

(b) It shall be the duty of each principal, head teacher, teacher who gives private instruction, or school administrative officer as designated in each educational institution to report to the Board the school attendance of any minor covered by § 38-202(a) who is enrolled in a school or who is enrolled for private instruction and who is absent from school or instruction for more than 2 full-day sessions or 4 half-day sessions in any school month, along with a statement of the reasons for the absences.

(c) The absence of a minor covered by § 38-202(a) without valid excuse shall be unlawful.

(d) The parent, guardian, or other person who has custody or control of a minor covered by § 38-202(a) who is absent from school without a valid excuse shall be guilty of a misdemeanor.

(e) Any person convicted of failure to keep a minor in regular attendance in a public, independent, private, or parochial school, or failure to provide regular private instruction acceptable to the Board may be fined not less than \$100 or imprisoned for not more than 5 days, or both for each offense.

(f) Each unlawful absence of a minor for 2 full-day sessions or for 4 half-day sessions during a school month shall constitute a separate offense.

(g) For the 1st offense, upon payment of costs, the sentence may be suspended and the defendant may be placed on probation.

(h) For any person convicted under this section, the courts shall consider requiring the offender to perform community service as an alternative to fine or imprisonment or both.

(i) Within 60 days after the end of a school year, each public, independent, private, or parochial school shall report to the Mayor, or the Mayor's designee, and make publicly available, the following data based on the preceding school year:

(A) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, who had unexcused absences for:

- (i) One to 5 days;
- (ii) Six to 10 days;
- (iii) Eleven to 20 days; and
- (iv) Twenty-one or more days;

(A-i) The work of the school-based student support teams in reducing unexcused absences, including:

- (i) The number of students who were referred to a school-based student support team;
- (ii) The number of students who met with a school-based student support team;
- (iii) A summary of the action plans and strategies implemented by the school-based student support team to eliminate or ameliorate unexcused absences; and
- (iv) A summary of the services utilized by students to reduce unexcused absences;
- (v) A summary of the common barriers to implementing the recommendations of the school-based student support team;

(B) The number of minors, categorized by grade, or equivalent grouping for ungraded schools, that the school reported to the Child and Family Services Agency pursuant to § 4-1321.02(a-1) and (a-2);

(B-i) The number of minors categorized by grade, or equivalent grouping for ungraded schools, that the school referred to the Court Social Services Division of the Family Court of the Superior Court of the District of Columbia for truancy; and

(C) The policy on absences, including defined categories of valid excuses, that it used.

(j) By August 1, 2012, the Mayor shall develop, through rulemaking, appropriate enforcement mechanisms to ensure that each school, principal,

and teacher is in full compliance with the requirements of this subchapter and any regulations issued pursuant to this subchapter.

(Feb. 4, 1925, 43 Stat. 806, ch. 140, Art. I, §§ 5-7; renumbered as Art. II, § 2 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Oct. 26, 2010, D.C. Law 18-242, § 3(b), 57 DCR 7555; June 7, 2012, D.C. Law 19-141, § 302(b), 59 DCR 3083; Sept. 19, 2013, D.C. Law 20-17, § 303(b), 60 DCR 9839.)

Section references. — This section is referenced in § 38-2605.

Effect of amendments.

The 2013 amendment by D.C. Law 20-17 substituted “educational institution” for “public, independent, private, or parochial school and by every teacher who gives instruction privately” in (a); and, in (b), substituted “head teacher, teacher who gives private instruction” for “head teacher” and “educational institution”

for “educational institution” for “public, independent, private, or parochial school, and each teacher who gives private instruction.”

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(b) of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — See note to § 38-201.

§ 38-204. Census of minors.

The Board, or its designee, shall conduct annually, or as frequently as may be found necessary or desirable, a complete census of all minors 3 years of age or more who permanently or temporarily reside in the District. The census record shall be amended from day to day as changes of residence occur among minors within the age group, as other persons come within or leave the age group, and as other persons within the age group become residents of or leave the District. The census record of minors shall give the full name, address, sex, and date of birth of each minor, the school attended by him or her and, if the minor is not at school, the name and address of his or her employer, if any, and the name, address, telephone numbers, if any, and occupation of each parent or guardian.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. II, § 1; renumbered as Art. II, § 3 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376.)

Section references. — This section is referenced in § 38-1802.04, § 38-2605, and § 38-2901.

§ 38-205. Report of enrollments and withdrawals.

The principal, head teacher, or teacher who gives private instruction of each educational institution shall, in accordance with the rules adopted by the Board pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], report to the Board the name, address, sex, and date of birth of each minor who resides permanently or temporarily in the District who transfers between schools or who enrolls in or withdraws from his or her school.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. II, § 2; renumbered as Art. II, § 4 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376; Sept. 19, 2013, D.C. Law 20-17, § 303(c), 60 DCR 9839.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-17 substituted “principal, head teacher, or teacher who gives private instruction of each educational institution” for “principal, or head teacher of each public, independent, private, or parochial school, and each teacher who gives private instruction.”

Emergency legislation. — For temporary (90 days) amendment of this section, see § 303(c) of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — See note to § 38-201.

§ 38-206. Penalty for failure to provide correct information.

Any parent, guardian, custodian, principal, or teacher of a minor who has reached the age of 3 years who willfully neglects or refuses to provide the information required by §§ 38-202 through 38-206, or who knowingly makes any false statement, shall be guilty of a misdemeanor.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. II, § 3; renumbered as Art. II, § 5 and amended, Mar. 8, 1991, D.C. Law 8-247, § 2(a), 38 DCR 376.)

§ 38-207. Authority of police over truant child.

(a)(1) The Office of the State Superintendent of Education, after consultation with the District of Columbia Public Schools, the Public Charter School Board, the Child and Family Services agency, and the Metropolitan Police Department, shall establish truancy centers in the District of Columbia for the delivery of truant public school and public charter school students by the Metropolitan Police Department.

(2) A law enforcement officer shall take to the nearest truancy center any child who the law enforcement officer has reasonable grounds to believe, based on the child’s age and other factors, is truant from a public or public charter school on a day and during the hours when the public or public charter school is in session.

(3) The law enforcement officer shall take into custody any child who the law enforcement officer has reasonable grounds to believe is a truant from any independent, private, or parochial school on a day and during the hours when the independent, private, or parochial school is in session.

(b) On the request of a person who has reached the age of 18 years, graduated from high school, or received a general equivalency diploma, and who has previously been taken into custody pursuant to subsection (a) of this section, the Metropolitan Police Department shall seal all records relating to custody authorized by subsection (a) of this section.

(c) Within 2 business days of a minor student’s 10th unexcused absence during a school year, the educational institution shall, under the signature of the Chief of the Metropolitan Police Department, send the minor student’s parent a letter notifying the parent that he or she may be in violation of the school attendance requirements under this subchapter and may be subject to prosecution.

(Feb. 4, 1925, ch. 140, Art. II, § 6, as added Aug. 25, 1994, D.C. Law 10-159, § 3, 41 DCR 4884; Oct. 20, 1999, D.C. Law 13-38, § 1906, 46 DCR 6373; Aug.

16, 2008, D.C. Law 17-219, § 4014, 55 DCR 7598; Sept. 19, 2013, D.C. Law 20-17, § 101(b)(1), 60 DCR 9839.)

Prior Codifications. — 1981 Ed., § 38-251.

Effect of amendments.

The 2013 amendment by D.C. Law 20-17 added (c).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101(b)(1) of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

For temporary (90 days) addition of the Act of Feb. 4, 1925, ch. 140, Art. II, § 7, concerning truancy procedures and inter-agency coordina-

tion, see § 101(b)(2) of the Attendance Accountability Emergency Amendment Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

For temporary (90 days) addition of the Act of Feb. 4, 1925, ch. 140, Art. II, § 8, concerning reporting requirements, see § 101(b)(2) of the Attendance Accountability Emergency Amendment Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — See note to § 38-201.

§ 38-208. Truancy procedures; inter-agency coordination.

(a) If a minor student accumulates 10 unexcused absences during a school year, the educational institution shall notify the Metropolitan Police Department within 2 business days after the 10th unexcused absence.

(b) Within 2 business days of the 10th unexcused absence, the educational institution shall notify the Office of the State Superintendent of Education which shall provide the parent with the truancy prevention resource guide created pursuant to § 38-2602(b)(19); provided, that the parent has not received the truancy prevention resource guide before the 10th unexcused absence.

(c) In addition to the requirements set forth in subsections (a) and (b) of this section:

(1)(A) The educational institution shall refer a minor student 5 years of age through 13 years of age to the Child and Family Services Agency pursuant to § 4-1321.02(a-1), no later than 2 business days after the accrual of 10 unexcused absences within a school year.

(B) Beginning in the 2013-2014 school year, the educational institution shall refer a minor student 14 years of age through 17 years of age to the Court Social Services Division of the Superior Court of the District of Columbia and to the Office of the Attorney General Juvenile Section no later than 2 business days after the accrual of 15 unexcused absences within a school year.

(2) Within 3 business days of the Office of the Attorney General, Juvenile Section receiving written notification pursuant to paragraph (1)(B) of this subsection, the Office of the Attorney General shall send the minor student's parent a letter notifying the parent that he or she may be subject to prosecution for violation of the school attendance requirements under this subchapter.

(Feb. 4, 1925, ch. 140, Art. II, § 7, as added Sept. 19, 2013, D.C. Law 20-17, § 101(b)(2), 60 DCR 9839.)

Prior Codifications. — 2001 Ed., § 38-253.

Effect of amendments. — The 2013

amendment by D.C. Law 20-17 added this section.

Legislative history of Law 20-17. — See note to § 38-201.

§ 38-209. Reporting requirements.

By July 15 of each year, beginning in 2014, the Office of the Attorney General shall submit to the Mayor and the Secretary to the Council a truancy status report on the preceding school year, which shall include the number of:

- (1) Referrals it received from each educational institution;
- (2) Cases it filed pursuant to this subchapter, and the outcome of each;
- (3) Child-in-need of supervision cases filed pursuant to this subchapter, and the outcome of each; and
- (4) Students who were enrolled in a court diversion program, or other diversion program pursuant to this subchapter.

(Feb. 4, 1925, ch. 140, Art. II, § 8, as added Sept. 19, 2013, D.C. Law 20-17, § 101(b)(2), 60 DCR 9839.)

Prior Codifications. — 2001 Ed., § 38-254. **Legislative history of Law 20-17.** — See **Effect of amendments.** — The 2013 amendment by D.C. Law 20-17 added this section. note to § 38-201.

PART C.

ADMINISTRATION.

§ 38-211. Department of School Attendance and Work Permits — Creation. [Repealed].

Repealed.

(Feb. 4, 1925, 43 Stat. 807, ch. 140, Art. III, § 1; Mar. 8, 1991, D.C. Law 8-247, § 2(b), 38 DCR 376.)

Prior Codifications. — 2001 Ed., § 38-207.

§ 38-212. Department of School Attendance and Work Permits — Director; appointments. [Repealed].

Repealed.

(Feb. 4, 1925, 43 Stat. 808, ch. 140, Art. III, § 2; July 21, 1945, 59 Stat. 500, ch. 321, title V, § 21; Mar. 8, 1991, D.C. Law 8-247, § 2(b), 38 DCR 376.)

Prior Codifications. — 2001 Ed., § 38-208.

§ 38-213. Court jurisdiction.

The Family Division of the Superior Court is hereby given jurisdiction in all cases arising under this subchapter.

(Feb. 4, 1925, 43 Stat. 808, ch. 140, Art. III, § 3; May 29, 1928, 45 Stat. 1006, ch. 908, § 26; July 29, 1970, 84 Stat. 578, Pub. L. 91-358, title I, § 159(g).)

Prior Codifications. — 2001 Ed., § 38-209.

Subchapter II. Expulsion of Students.

PART A.

GENERAL.

§ 38-231. Expulsion of students who bring weapons into public schools.

Section references. — This section is referenced in § 38-235.

Emergency legislation.

For temporary (90 days) requirement that the Office of the State Superintendent of Edu-

cation provide a suspension and expulsion report, see § 201 of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

PART B.

REPORT.

§ 38-235. Suspension and expulsion report.

Within 180 calendar days of September 19, 2013, the Office of the State Superintendent of Education shall submit to the Mayor and the Secretary to the Council a report with findings and recommendations to aid each educational institution to eliminate out-of-school suspensions and expulsions, except for those students who pose a reasonable threat of death or serious bodily harm to themselves or others or violate Part A of this subchapter [§ 38-231 et seq.].

(Sept. 19, 2013, D.C. Law 20-17, § 201, 60 DCR 9839.)

Legislative history of Law 20-17. — See note to § 38-201.

Subchapter III. Truancy and Dropout Prevention.

§ 38-241. Truancy and Dropout Prevention Program.

(a) Subject to the availability of appropriations, the District of Columbia Board of Education, or its successor, and the District of Columbia Public Schools shall offer a Truancy and Dropout Prevention Program for students who are enrolled in the District of Columbia Public Schools system. The programs should be implemented on a full-time basis, work with local schools and parents, and provide resources that will help reduce absences and unexcused absences, and reduce dropout and increase retention rates.

(b) The program shall develop a supportive relationship with the Metropolitan Police Department.

(c) The program shall be available for students who are enrolled in grades K-12 and for students who are enrolled in ungraded classes in elementary, middle or junior high, and high schools.

(d) Notwithstanding any other law, nothing in this section shall be construed to create an entitlement to a truancy or dropout prevention program for any student.

(March 26, 1999, D.C. Law 12-175, § 1202, 45 DCR 7193.)

Prior Codifications. — 2001 Ed., § 38-252.

CHAPTER 4. USE OF SCHOOL BUILDINGS.

§ 38-409. Control of school buildings; disposition of proceeds.

Emergency legislation.

For temporary (90 days) school-based enrichment programs, see §§ 2 and 3 of the School-Based Enrichment Program Congressional Re-

view Emergency Act of 2013 of 2013 (D.C. Act 20-1, January 25, 2013, 60 DCR 2758, 20 DCSTAT 407).

CHAPTER 7C. TESTING INTEGRITY.

Sec.	Sec.
38-771.01. Definitions.	38-771.04. Test integrity; sanctions.
38-771.02. LEA administration of Districtwide assessments.	38-771.05. Right to administrative review.
38-771.03. Authorized personnel; responsibilities.	38-771.06. Rulemaking.
	38-771.07. Due process.

§ 38-771.01. Definitions.

For the purposes of this chapter, the term:

(1) “Authorized personnel” means an individual who has access to Districtwide assessment materials or is directly involved in the administration of a Districtwide assessment.

(2) “Districtwide assessments” shall have the same meaning as provided in § 38-1800.02(13).

(3) “IEP” means a student’s individualized education program.

(4) “ELL” means English language learner.

(5) “Local education agency” or “LEA” means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

(6) “Test monitor” means an individual designated by a local education agency to be responsible for testing integrity and security at each individual

school subject to the LEA's control during the administration of a Districtwide assessment.

(7) "OSSE" means the Office of the State Superintendent of Education.

(8) "Test integrity coordinator" means an individual designated by a LEA to be responsible for testing integrity and security for the LEA in its entirety during the administration of a Districtwide assessment.

(9) "Testing integrity and security agreement" means an agreement developed by OSSE that:

(A) Sets forth requirements for ensuring integrity of Districtwide assessments pursuant to District law and regulation; and

(B) Requires the signatory to acknowledge that he or she understands that knowingly and willingly violating a District law, regulation, or a test security plan could result in civil liability, including the loss of an OSSE granted certification or license.

(Oct. 17, 2013, D.C. Law 20-27, § 101, 60 DCR 11120.)

Section references. — This section is referenced in § 38-2602.

Legislative history of Law 20-27. — Law 20-27, the "Testing Integrity Act of 2013," was introduced in Council and assigned Bill No. 20-109. The Bill was adopted on first and sec-

ond readings on June 4, 2013, and June 26, 2013, respectively. Signed by the Mayor on July 23, 2013, it was assigned Act No. 20-120 and transmitted to Congress for its review. D.C. Law 20-27 became effective on October 17, 2013.

§ 38-771.02. LEA administration of Districtwide assessments.

(a) A LEA responsible for administering a Districtwide assessment shall meet the requirements of § 38-2602(b)(20).

(b) In addition to the requirements of subsection (a) of this section, a LEA shall:

(1) File the test security plan required by § 38-2602(b)(20) with OSSE at least 90 days before the administration of a Districtwide assessment;

(2) Designate a test integrity coordinator and test monitors;

(3) Immediately report any breach of security, loss of materials, failure to account for materials, or any other deviation from the test security plan to OSSE;

(4) Investigate, document, and report to OSSE any findings and recommendations for the remediation of an allegation of the failure of the test security plan or other testing integrity and security protocol;

(5) Within 10 days after the conclusion of a Districtwide assessment, obtain signed, under penalty of law, affidavits from the LEA's test integrity coordinator and each of the LEA's test monitors attesting that, to the best of his or her knowledge or belief, the LEA complied with all applicable laws, regulations, and policies, including the test security plan; and

(6) Within 15 days after the conclusion of a Districtwide assessment, file with OSSE:

(A) The affidavits required by paragraph (5) of this subsection; and

(B) Copies of all testing integrity and security agreements required by § 38-771.03(a).

(c) No employee of a LEA shall retaliate against any other employee, parent, or student solely because that individual reports or participates in an investigation of a potential failure of the test security plan or other testing integrity and security policy or protocol.

(Oct. 17, 2013, D.C. Law 20-27, § 102, 60 DCR 11120.)

Legislative history of Law 20-27. — See note to § 38-771.01.

§ 38-771.03. Authorized personnel; responsibilities.

(a) Authorized personnel shall:

(1) Before the administration of a Districtwide assessment:

(A) Complete testing integrity training, as developed by OSSE; and

(B) Sign a testing integrity and security agreement, as developed and distributed by OSSE;

(2) Immediately report any breach of testing security to the school's test monitor, the LEA's test integrity coordinator, or OSSE;

(3) Cooperate with OSSE in any investigation concerning the administration of a Districtwide assessment;

(4) Except as provided in subsection (b) of this section, be prohibited from:

(A) Photocopying, or in any way reproducing, or disclosing secure test items or other materials related to Districtwide assessments;

(B) Reviewing, reading, or looking at test items or student responses before, during, or after administering the Districtwide assessment, unless specifically permitted in the test administrator's manual;

(C) Assisting students in any way with answers to test questions using verbal or nonverbal cues before, during, or after administering the assessment;

(D) Altering student responses in any manner;

(E) Altering the test procedures stated in the formal instructions accompanying the Districtwide assessments;

(F) Allowing students to use notes, references, or other aids, unless the test administrator's manual specifically allows;

(G) Having in one's personal possession secure test materials except during the scheduled testing date;

(H) Allowing students to view or practice secure test items before or after the scheduled testing time;

(I) Making or having in one's possession answer keys before the administration of that Districtwide assessment; except, that it shall not be prohibited to have an answer key for a Districtwide assessment that has already been administered;

(J) Leaving secure test materials in a non-secure location or unattended by authorized personnel; and

(K) Using cell phones, unapproved electronics, or computer devices during the administration of a Districtwide assessment.

(b) The failure to comply with the prohibitions set forth in subsection (a)(4) of this section shall not be considered a violation of a test security plan if the action is necessary to provide for an accommodation that is explicitly identified

in a student's IEP or an approved accommodation plan for a ELL student; provided, that any accommodation shall be limited to the eligible student or students.

(Oct. 17, 2013, D.C. Law 20-27, § 103, 60 DCR 11120.)

Section references. — This section is referenced in § 38-771.02.

Legislative history of Law 20-27. — See note to § 38-771.01.

§ 38-771.04. Test integrity; sanctions.

(a) A LEA, or school subject to the LEA's control, that is determined by OSSE to have violated this chapter, regulations issued pursuant to this chapter, or a test security plan shall be subject to sanctions, which shall include:

(1) The payment of any expenses incurred by OSSE as a result of the violation, including the costs associated with developing, in whole or in part, a new assessment;

(2) An administrative fine of not more than \$10,000 for each violation; and

(3) The invalidation of test scores.

(b) A person who knowingly and willfully violates, assists in the violation of, solicits another to violate or assist in the violation of the provisions of this chapter, regulations issued pursuant to this chapter, or test security plan, or fails to report such a violation, shall be subject to sanctions, which shall include:

(1) Denial, suspension, revocation, or cancellation of, or restrictions on the issuance or renewal of a teaching or administrative credential or teaching certificate issued by OSSE, or both, for a period of not less than one year;

(2) Payment of expenses incurred by the LEA or OSSE as a result of the violation; or

(3) An administrative fine, not to exceed \$1,000 for each violation.

(c) When determining sanctions, OSSE may take into account:

(1) The seriousness of the violation;

(2) The extent of the violation;

(3) The role the individual played in the violation;

(4) The LEA leadership's involvement;

(5) How and when the violation was reported to OSSE; and

(6) The actions taken by the LEA since the violation was reported to OSSE.

(Oct. 17, 2013, D.C. Law 20-27, § 104, 60 DCR 11120.)

Legislative history of Law 20-27. — See note to § 38-771.01.

§ 38-771.05. Right to administrative review.

Any person aggrieved by a final decision or order of OSSE imposing sanctions following a determination by OSSE that a violation of this chapter has occurred may obtain a review of the final decision or order in accordance

with regulations issued by the Mayor pursuant to § 38-771.06 or the process set forth in § 38-771.07, whichever is applicable; provided, that if the aggrieved party is a member of a collective bargaining unit, he or she may choose between the negotiated grievance process set forth in a collective bargaining agreement and the grievance process set forth in § 38-771.07 or in regulations issued by the Mayor pursuant to § 38-771.06, whichever is applicable.

(Oct. 17, 2013, D.C. Law 20-27, § 105, 60 DCR 11120.)

Legislative history of Law 20-27. — See note to § 38-771.01.

§ 38-771.06. Rulemaking.

(a) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ 2-501 et seq.], shall issue rules to implement this chapter.

(b) The proposed rules shall be submitted to the Council for a 45-day period of review. If the Council does not approve or disapprove the proposed rules, by resolution, within the 45-day review period, the proposed rules shall be deemed approved.

(Oct. 17, 2013, D.C. Law 20-27, § 106, 60 DCR 11120.)

Section references. — This section is referenced in § 38-771.05 and § 38-771.07.

Legislative history of Law 20-27. — See note to § 38-771.01.

§ 38-771.07. Due process.

(a) Until rules are issued pursuant to § 38-771.06, any party aggrieved by a final decision or order of OSSE imposing sanctions following a determination by OSSE that a violation of this chapter has occurred may obtain a review of the final decision or order by filing a written notice of appeal to the Mayor within 10 calendar days from the date on which OSSE imposed the sanction being contested.

(b) The written notice of appeal shall contain the following information:

- (1) The type and the effective date of the sanction imposed;
- (2) The name, address, and telephone number of the aggrieved party or the aggrieved party's representative, if any;
- (3) A copy of OSSE's notice of final decision;
- (4) A statement as to whether the aggrieved party or anyone acting on his or her behalf has filed an appeal under any negotiated review procedure pursuant to a collective bargaining agreement, or has filed a complaint with any other agency regarding this matter;
- (5) The identity of the collective bargaining unit, if any, of which the aggrieved party is a member;
- (6) A statement as to whether the aggrieved party requests a hearing;
- (7) A concise statement of the facts giving rise to the appeal;
- (8) An explanation as to why the aggrieved party believes OSSE's action was unwarranted and any supporting documentation;
- (9) A statement of the specific relief the aggrieved party is requesting; and

(10) The signature of the aggrieved party and his or her representative, if any.

(c) If a hearing is requested, the Mayor shall hold a hearing within 30 calendar days after the receipt of the notice of appeal and hearing request and shall issue a written ruling no later than 10 calendar days after the hearing. If no hearing is requested, the Mayor shall issue a written ruling within 30 days of receipt of the notice of appeal.

(d) Appeals filed pursuant to this section, and any hearings held, shall be administered in accordance with § 2-501 et seq.

(e) For the purposes of this section, a notice of appeal is considered received on the date it was postmarked.

(Oct. 17, 2013, D.C. Law 20-27, § 107, 60 DCR 11120.)

Section references. — This section is referenced in § 38-771.05.

Legislative history of Law 20-27. — See note to § 38-771.01.

SUBTITLE V. EDUCATION PERSONNEL.

CHAPTER 20. RETIREMENT OF PUBLIC SCHOOL TEACHERS.

Subchapter II. Retirement After June 30, 1946

Part A

General

Sec.

38-2021.03. Voluntary and involuntary retirement.

Subchapter II. Retirement After June 30, 1946.

PART A.

GENERAL.

§ 38-2021.01. Salary deductions; deposit.

Section references. — This section is referenced in § 1-713, § 38-2021.04, § 38-2021.08, § 38-2023.14, and § 38-2041.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(a) of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.03. Voluntary and involuntary retirement.

(a) Any teacher who completes 5 years of eligible service and who is separated from the service: (1) after becoming 55 years of age and completing 30 years of service; (2) after becoming 60 years of age and completing 20 years

of service; (3) after becoming 62 years of age; or (4) in the case of any teacher hired on or after the first day of the first pay period which begins after October 29, 1996, after completing 30 years of service; is entitled to an annuity.

(b)(1) Any teacher who completes 5 years of eligible service and who is involuntarily separated from the service, except by removal for cause on charges of misconduct or delinquency, after: (1) completing 25 years of service; or (2) becoming 50 years of age and completing 20 years of service; is entitled to an annuity reduced by one sixth of 1% for each full month such teacher is under the age of 55 years at the date of his separation from the service.

(2) For the purposes of this subsection, the term:

(A) "Excessing" means the elimination of a teacher's position at a particular school, when such an elimination is not a reduction in force or abolishment, due to a:

- (i) Decline in student enrollment;
- (ii) Reduction in the local school budget;
- (iii) Closing or consolidation;
- (iv) Restructuring; or
- (v) Change in the local school program.

(B) "Involuntarily separated" includes the excessing of a permanent status teacher, without regard to whether the teacher chose to reject options available to him or her, such as finding a placement elsewhere in the public schools of the District of Columbia.

(c) Repealed.

(c-1) A teacher who completes 5 years of eligible service shall be 100% vested.

(d)(1) The length of a teacher's service shall be computed in accordance with § 38-2021.08.

(2) The amount of an annuity authorized by this section shall be computed in accordance with § 38-2021.05.

(3) Each annuity authorized by this section shall commence on the day after the teacher is separated from the service and shall terminate on the date the teacher dies.

(e) Any teacher who completes 5 years of vested service may voluntarily retire from the service on or before December 31, 1980, after completing 20 years of service and shall be entitled to an annuity computed in accordance with subsection (b) of this section; provided, that the amortization payment to the District of Columbia Retirement Board for the District of Columbia Teachers' Retirement Fund shall be made from appropriations of the Board of Education; except that any teacher hired on or after the first day of the first pay period which begins after October 29, 1996, who completes 30 years of service shall be entitled to an annuity computed in accordance with § 38-2021.05.

(f)(1) In the event of a major reorganization, a major reduction in force, or a major transfer of functions in which a significant percentage of Board of Education employees will be separated or subject to an immediate reduction in the rate of basic pay or a furlough, the Board of Education is authorized to offer voluntary retirement to the following eligible teachers:

- (A) Teachers who have completed 25 years of service; and
- (B) Teachers who have reached 50 years of age and completed 20 years of service.

(2) Teachers who accept voluntary retirement under paragraph (1) of this subsection shall:

(A) Receive an annuity reduced by $\frac{1}{6}$ of 1% for each full month such teacher is under the age of 55 years at the date of his or her separation from the service; and

(B) Be eligible for the early out retirement incentive program established by § 38-2021.03.

(Aug. 7, 1946, 60 Stat. 876, ch. 779, § 3; Mar. 6, 1952, 66 Stat. 17, ch. 95, § 2; June 4, 1957, 71 Stat. 46, Pub. L. 85-46, § 1; Dec. 29, 1967, 81 Stat. 747, Pub. L. 90-231, § 1(2); Mar. 4, 1981, D.C. Law 3-128, § 9, 28 DCR 246; Mar. 5, 1981, D.C. Law 3-133, § 5, 27 DCR 4417; May 21, 1988, D.C. Law 7-111, § 2, 35 DCR 2674; Sept. 26, 1995, D.C. Law 11-52, § 902, 42 DCR 3684; Apr. 9, 1997, D.C. Law 11-218, § 4(b), 43 DCR 6172; May 1, 2013, D.C. Law 19-312, § 2(b), 60 DCR 3434; Sept. 19, 2013, D.C. Law 20-16, § 2, 60 DCR 9837.)

Section references. — This section is referenced in § 38-2021.04, § 38-2021.05, and § 38-2021.09.

Effect of amendments.

The 2013 amendment by D.C. Law 20-16 added the (1) designation to the existing text of (b); and added (b)(2).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(b) of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

For temporary (90 days) amendment of this section, see § 2 of the Teachers' Retirement

Emergency Act of 2013 (D.C. Act 20-72, May 16, 2013, 60 DCR 7243, 20 DCSTAT 1421).

For temporary (90 days) amendment of this section, see § 2 of the Teachers' Retirement Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-146, July 31, 2013, 60 DCR 11807, 20 DCSTAT 1998).

Legislative history of Law 20-16. — Law 20-16, the "Teachers' Retirement Amendment Act of 2013", was introduced in Council and assigned Bill No. 20-64. The Bill was adopted on first and second readings on May 7, 2013 and June 4, 2013, respectively. Signed by the Mayor on June 24, 2013, it was assigned Act No. 20-93 and transmitted to Congress for its review. D.C. Law 20-16 became effective on September 19, 2013.

§ 38-2021.04. Disability retirement.

Section references. — This section is referenced in § 38-2021.05, § 38-2021.06, § 38-2021.09, § 38-2021.27, and § 38-2023.11.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(c) of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.05. Computation of annuity; options.

Section references. — This section is referenced in § 38-2021.03, § 38-2021.04, § 38-2021.06, § 38-2021.08, § 38-2021.09, § 38-2021.19, and § 38-2023.12.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(d) of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.07a. Required minimum distributions.

Section references. — This section is referenced in § 38-2021.27.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(e) of

the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.08. Basis for determining annuity amount.

Section references. — This section is referenced in § 38-2021.03, § 38-2021.27, and § 38-2023.14.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(f) of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.09. Deferred annuity; annuity to survivors.

Section references. — This section is referenced in § 38-2021.04, § 38-2021.05, § 38-2021.13, § 38-2021.21, § 38-2021.27, and § 38-2023.14.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(g) of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.13. Definitions.

Section references. — This section is referenced in § 1-702, § 1-901.02, and § 38-2021.05.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(h)

of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.14. Records and accounts; report to Congress. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 2(i) of the Retirement of Public-School Teachers Omnibus Congressional Re-

view Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.15a. Disposition of forfeitures.

Emergency legislation. — For temporary (90 days) addition of this section, see § 2(j) of the Retirement of Public-School Teachers Om-

nibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.17. Funds not assignable or subject to execution.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(k) of the Retirement of Public-School Teachers Omnibus Congressional Re-

view Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.18. **Applicability.**

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(l) of the Retirement of Public-School Teachers Omnibus Congressional Re-

view Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.26. **Rollovers; purchase of service credit.**

Section references. — This section is referenced in § 38-2021.24.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(m) of the Retirement of Public-

School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

§ 38-2021.27. **Internal Revenue Code limits.**

Section references. — This section is referenced in § 38-2021.25.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(n)

of the Retirement of Public-School Teachers Omnibus Congressional Review Emergency Act of 2013 (D.C. Act 20-41, March 25, 2013, 60 DCR 5361, 20 DCSTAT 527).

SUBTITLE VIII. STATE LEVEL AGENCIES.

CHAPTER 26. OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

Sec.

38-2602. Responsibilities.

§ 38-2602. **Responsibilities.**

(a) Within one year of the Officer's appointment, but not later than October 2001, and except as provided in § 38-2604, the OSSE shall assume the responsibilities listed in subsection (b) of this section. The transfer and assumption of responsibilities shall take place in accordance with the short-term plan to be submitted by the Officer to the Mayor for approval by February 15, 2001, or 5 weeks from the establishment of the OSSE, whichever is later.

(b) The OSSE shall:

(1) Have authority for all state functions for federally sponsored child nutrition programs in the District, including those sponsored by the United States Department of Agriculture;

(2) Verify annual fall enrollment counts for all public and public charter schools pursuant to § 38-1804.02 and § 38-159;

(3) Formulate and promulgate rules for the documentation and verification of District residency for public and public charter school students, pursuant to §§ 38-302 and 38-303;

(4) Make recommendations to the Mayor and Council for periodic revisions to the Uniform Per Student Funding Formula pursuant to § 38-2911, and provide information and data related to such revisions including the study

of actual costs of education in the District of Columbia, consideration of performance incentives created by the formula in practice, research in education and education finance, and public comment;

(5) Conduct a study to be submitted to the Mayor and Council recommending additional functions to be assumed by the OSSE and a proposed transition plan meeting the specifications of § 38-2605;

(6) Oversee the functions and activities of the Education Licensure Commission, established by § 38-1303;

(6A) Establish and administer licensure requirements for pre-kindergarten programs, pursuant to § 38-271.02(a)(3);

(7) Issue rules to establish requirements to govern acceptable credit to be granted for studies completed at independent, private, public, public charter schools, and private instruction;

(8) Prescribe minimum amounts of instructional time for all schools, including public, public charter, and private schools;

(8A) Prescribe standards for extended learning time beyond the regular school day for public schools, including public charter schools;

(9) Oversee the state-level functions and activities related to early childhood education programs, including the public education of the Early Intervention Services Program, in accordance with § 7-863.02;

(9A) Administer pre-kindergarten education, in accordance with § 38-271.02;

(9B) Conduct a residency audit, annually, to establish the number of in-District and out-of-District children enrolled in pre-kindergarten pursuant to Chapter 2A of this title [§ 38-271.01 et seq.];

(10) Provide for the education of children in the custody of the Department of Youth Rehabilitation Services;

(11) Formulate and promulgate rules necessary to carry out its functions, including rules governing the process for review and approval of state-level policies by the State Board of Education under § 38-2652, pursuant to Chapter 5 of Title 2 [§ 2-501 et seq.];

(12) Develop and adopt policies that come within the functions of state educational agencies under federal law, subject to the approval of the State Board of Education for those policies that are subject to board approval under § 38-2652;

(13) Conduct studies and pilot projects to develop, review, or test state policy;

(14) Repealed;

(15) Fulfill any other responsibilities consistent with the performance of the state-level education functions of the District of Columbia;

(16) Promulgate rules for the administration and implementation of the uniform per student funding formula, pursuant to Chapter 29 of this title;

(17) Have the authority to collect and dedicate fees for state academic credential certifications and general educational development testing as well as for any other state-level education function, as established by the Superintendent by regulation;

(18) Have the authority to issue grants, from funds under its administration (including the non-public tuition paper agency), to local education agen-

cies ("LEAs") for programs that increase the capacity of the LEA to provide special education services;

(19) By August 1, 2013, create a truancy prevention resource guide for parents and legal guardians who have children who attend a District public school, which shall be updated and made available upon request and, at minimum, include:

(A) An explanation of the District's laws and regulations related to absenteeism and truancy;

(B) Information on:

(i) What a parent or legal guardian can do to prevent truancy;

(ii) The common causes of truancy; and

(iii) Common consequences of truancy;

(C) A comprehensive list of resources that are available to a parent or legal guardian, and the student, that address the common causes of truancy and the prevention of it, such as:

(i) Hotlines that provide assistance to parents, legal guardians, and youth;

(ii) Counseling for the parent (or legal guardian) or the youth, or both;

(iii) Parenting classes;

(iv) Parent-support groups;

(v) Family psycho-education programs;

(vi) Parent-resource libraries;

(vii) Risk prevention education;

(viii) Neighborhood family support organizations and collaboratives that provide assistance to families experiencing hardship;

(ix) Behavioral health resources and programs in schools;

(x) The Behavioral Health Ombudsman Program; and

(xi) The resources at each public school for at-risk students and their parents or legal guardians; and

(20)(A) Oversee the functions and activities, as required, of Chapter 7C of this title [§ 38-771.01 et seq.], including ensuring the integrity and security of Districtwide assessments administered by a local education agency;

(B) Establish standards to obtain and securely maintain and distribute test materials, which shall at minimum require that:

(i) An inventory of all test materials be maintained;

(ii) All test materials be secured under lock and key;

(iii) Only authorized personnel have access to test materials; and

(iv) All authorized personnel sign a test integrity and security agreement before being able to access test materials or assist in the administration of a Districtwide assessment;

(C) Require each LEA to maintain and submit to OSSE at least 90 days before the administration of a Districtwide assessment a test security plan that at minimum includes:

(i) Procedures for the secure maintenance, dissemination, collection, and storage of Districtwide assessment materials before, during, and after administering a test, including:

(I) Keeping an inventory of all materials and identifying individuals with access to the materials;

(II) Accounting for and reporting to the OSSE any materials that are lost or otherwise unaccounted; and

(III) Accounting for and securing old or damaged materials;

(ii) The name and contact information for the test integrity coordinator and the test monitors at each school under the LEA's control;

(iii) A list of actions prohibited by authorized personnel;

(iv) Procedures pursuant to which students, authorized personnel, and other individuals may, and are encouraged to, report irregularities in testing administration or testing security; and

(v) Written procedures for investigating and remediating any complaint, allegation, or concern about a potential failure of testing integrity and security;

(D) Approve an LEA's test security plan and make recommendations to amend the plan when necessary;

(E) Keep a copy of each LEA's test security plan on file, which shall be made available to a member of the public upon request;

(F) Establish a standard for monitoring the administration of Districtwide assessments to ensure compliance with all applicable laws, regulations, and policies;

(G) Monitor Districtwide assessment administration procedures in randomly selected schools and in targeted schools to ensure adherence to all applicable laws, regulations, and policies, which may occur one week before the administration of a Districtwide assessment and during the administration of a Districtwide assessment.

(H) Establish a process by which to ensure compliance with all applicable laws and regulations for the administration of Districtwide assessments for LEA students at nonpublic schools.

(I) Develop and distribute a testing integrity and security agreement to be signed by authorized personnel;

(J) Develop standards to train authorized personnel on testing integrity and security and require the authorized personnel to acknowledge in writing that he or she completed the training;

(K) Provide technical assistance to LEAs regarding testing integrity and security procedures;

(L) Establish standards for the investigation of any alleged violation of an applicable law, regulation, or policy relating to testing integrity and security, which standards shall:

(i) Identify the circumstances that trigger an investigation;

(ii) Require the initiation of an investigation even if only one circumstance is present; provided, that there appears to be egregious noncompliance; and

(iii) Require the investigation of any report of a violation of the laws, regulations, and policies relating to testing integrity and security;

(M) Cooperate with any investigation initiated by the Office of the Attorney General for the District of Columbia or the U.S. Attorney's Office; and

(N) Revoke, for a period of at least one year, any OSSE granted certification or license granted to an individual who is found to have knowingly and willfully violated, assisted in the violation of, solicited another to violate or assist in the violation of, or failed to report a violation of this paragraph, regulations issued pursuant to this paragraph, other applicable law, or other test integrity policy or procedure.

(O) For the purposes of this paragraph, the term:

(i) "Authorized personnel" means any individual who has access to Districtwide assessment materials or is directly involved in the administration of a Districtwide assessment.

(ii) "Districtwide assessments" shall have the same meaning as provided in § 38-1800.02(13).

(iii) "Local education agency" or "LEA" means the District of Columbia Public Schools system or any individual or group of public charter schools operating under a single charter.

(iv) "Test integrity coordinator" means an individual designated by a LEA to be responsible for testing integrity and security for the LEA in its entirety during the administration of a Districtwide assessment.

(v) "Testing integrity and security agreement" means an agreement developed by OSSE that:

(I) Sets forth requirements for ensuring the integrity of Districtwide assessments pursuant to District law and regulation; and

(II) Requires the signatory to acknowledge that he or she understands that knowingly and willingly violating a District law, regulation, or a test security plan could result in civil liability, including the loss of an OSSE granted certification or license.

(vi) "Test monitor" means an individual designated by a LEA to be responsible for testing integrity and security at each individual school subject to the LEA's control during the administration of a Districtwide assessment.

(c)(1) There is established as a nonlapsing fund the Academic Certification and Testing Fund ("Fund"). All fees collected by the Office of the State Superintendent of Education for state academic credential certifications, general educational development testing, or any other state-level education function established pursuant to subsection (b)(17) of this section shall be deposited into the Fund.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall be used for the purposes set forth in paragraph (3) of this subsection. Any unexpended funds in the Academic Certification and Testing Fund at the end of a fiscal year shall revert to the unrestricted fund balance of the General Fund of the District of Columbia.

(3) The Fund shall be administered by the State Superintendent of Education and shall be used to support the administration of state academic credential certifications, General Educational Development, and other state-level programs.

(Oct. 21, 2000, D.C. Law 13-176, § 3, 47 DCR 6835; Nov. 13, 2003, D.C. Law 15-39, § 302, 50 DCR 5668; Oct. 20, 2005, D.C. Law 16-33, § 4003(a), 52 DCR 7503; June 12, 2007, D.C. Law 17-9, § 302(c), 54 DCR 4102; Sept. 18, 2007, D.C. Law 17-20, § 4012(a), 54 DCR 7052; July 18, 2008, D.C. Law 17-202, § 607, 55 DCR 6297; Aug. 16, 2008, D.C. Law 17-219, § 4008, 55 DCR 7598; Mar. 25, 2009, D.C. Law 17-353, § 215(d), 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 4031, 57 DCR 181; Apr. 8, 2011, D.C. Law 18-370, § 404, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 9057, 58 DCR 6226; June 7, 2012, D.C. Law 19-141, § 303, 59 DCR 3083; Sept. 19, 2013, D.C. Law 20-17, § 102, 60 DCR 9839; Oct. 17, 2013, D.C. Law 20-27, § 201, 60 DCR 11120.)

Cross references. — Testing integrity, § 38-771.01 et seq.

Section references. — This section is referenced in § 38-208, § 38-302, § 38-771.02, § 38-2602.01, and § 38-2603.

Effect of amendments.

The 2013 amendment by D.C. Law 20-17 substituted “August 1, 2013” for “October 1, 2013” in (b)(19).

The 2013 amendment by D.C. Law 20-27 added (b)(20); and made related changes.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102 of the Attendance Accountability Emergency Act of 2013 (D.C. Act 20-133, July 30, 2013, 60 DCR 11531, 20 DCSTAT 1973).

Legislative history of Law 20-17. — Law 20-17, the “Attendance Accountability Amend-

ment Act of 2013”, was introduced in Council and assigned Bill No. 20-72. The Bill was adopted on first and second readings on May 7, 2013 and June 4, 2013, respectively. Signed by the Mayor on June 24, 2013, it was assigned Act No. 20-94 and transmitted to Congress for its review. D.C. Law 20-17 became effective on September 19, 2013.

Legislative history of Law 20-27. — Law 20-27, the “Testing Integrity Act of 2013,” was introduced in Council and assigned Bill No. 20-109. The Bill was adopted on first and second readings on June 4, 2013, and June 26, 2013, respectively. Signed by the Mayor on July 23, 2013, it was assigned Act No. 20-120 and transmitted to Congress for its review. D.C. Law 20-27 became effective on October 17, 2013.

CHAPTER 26A. STATE BOARD OF EDUCATION.

§ 38-2652. Functions of the Board.

Section references. — This section is referenced in § 38-2601 and § 38-2602.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 3 of the State Board of Education Personnel Authority Amendment Emergency Act of 2013 (D.C. Act 20-46, March 27, 2013, 60 DCR 5453, 20 DCSTAT 545).

TITLE 42. REAL PROPERTY.

SUBTITLE I. GENERAL.

Chapter

8. Mortgages and Deeds of Trust.

SUBTITLE I. GENERAL.

CHAPTER 8. MORTGAGES AND DEEDS OF TRUST.

Sec.

42-815.01. Right to cure residential mortgage foreclosure default.

42-815.02. Foreclosure mediation.

Sec.

42-815.03. Establishment of Foreclosure Mediation Fund.

42-815.04. Construction.

§ 42-815. Application to court to fix terms and determine notice of sale; notice under power of sale provision.

Section references. — This section is referenced in § 42-815.01 and § 42-815.02.

CASE NOTES

Parties.

Wrongful foreclosure action against a substitute trustee and trustees failed because the statute only imposed obligations upon the holder of a note or its agent. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

Wrongful foreclosure action against the

holder of a note was barred by res judicata because the matter could have been raised in a prior state court landlord tenant proceeding between the same parties wherein the holder obtained a final judgment declaring it in lawful possession of the property. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

§ 42-815.01. Right to cure residential mortgage foreclosure default.

(a) For the purposes of this act, the term “residential mortgage” means a loan secured by a deed of trust or mortgage, used to acquire or refinance real property which is improved by 4 or fewer single-family dwellings, including condominium or cooperative units, but shall not include debts incurred, and currently obligating solely, an entity, as defined by § 29-101.02(10).

(b) Notwithstanding the provisions of any other law, after a notice of intention to foreclose a residential mortgage has been given pursuant to § 42-815, at any time up to 5 business days prior to the commencement of bidding at a trustee sale or other judicial sale on a residential mortgage obligation, the residential mortgage debtor or anyone in his behalf, not more than 1 time in any 2 consecutive calendar years, may cure his default and

prevent sale or other disposition of the real estate, by tendering the amount or performance specified in subsection (c) of this section.

(c) To cure a default under this section, a residential mortgage debtor shall:

(1) Pay or tender in the form of cash, cashier's check, or certified check all sums, including any reasonable late penalty, required to bring the account current, with the exception of any amounts due by operation of any acceleration clause that may be included in the security agreement;

(2) Perform any other obligation which he would have been bound to perform in the absence of default or in the absence of the exercise of an acceleration clause, if any; and

(3) Pay or tender any expenses properly associated with the foreclosure and incurred by the mortgagee to the date of debtor's payment or tender under this section. These costs and expenses may include, but not be limited to, advertising fees, trustee fees, and reasonable attorney's fees.

(d) Cure of a default pursuant to this section restores the residential mortgage debtor to the same position as if the default or the acceleration had not occurred.

(March 3, 1901, 31 Stat. 1274, ch. 854, § 539a, as added May 8, 1984, D.C. Law 5-82, § 2, 31 DCR 1348; Apr. 3, 2001, D.C. Law 13-263, § 1601, 48 DCR 991; May 7, 2002, D.C. Law 14-132, § 602(b), 49 DCR 1552; Mar. 12, 2011, D.C. Law 18-314, § 2(b), 57 DCR 12404; Nov. 5, 2013, D.C. Law 20-40, § 2(a), 60 DCR 12304.)

Section references. — This section is referenced in § 42-815.02.

Effect of amendments.

The 2013 amendment by D.C. Law 20-40 substituted "but shall not include debts incurred, and currently obligating solely, an entity, as defined by D.C. Official Code § 29-101.02(10)" for "at least one of which is the principal place of abode of the debtor or his immediate family" in (a).

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2(a) of the Saving D.C. Homes From Foreclosure Enhanced Temporary Amendment Act of 2013 (D.C. Law 20-15, September 19, 2013, 60 DCR 9559, 20 DCSTAT 1768).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(a) of the Saving D.C. Homes From Foreclosure Enhanced Emergency Act of 2013 (D.C. Act 20-71, May 16, 2013, 60 DCR 7240, 20 DCSTAT 1419).

For temporary (90 days) amendment of this section, see § 2(a) of the Saving D.C. Homes From Foreclosure Enhanced Congressional Review Emergency Act of 2013 (D.C. Act 20-117, July 24, 2013, 60 DCR 11112, 20 DCSTAT 1818).

Legislative history of Law 20-40. — Law 20-40, the "Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarification Amendment Act of 2013", was introduced in Council and assigned Bill No. 20-268. The Bill was adopted on first and second readings on June 26, 2013 and July 10, 2013, respectively. Signed by the Mayor on Aug. 20, 2013, it was assigned Act No. 20-156 and transmitted to Congress for its review. D.C. Law 20-40 became effective on Nov. 5, 2013.

Editor's notes. — Applicability of D.C. Law 20-40: Section 8 of D.C. Law 20-40 provided that §§ 2 and 3 of the act shall apply as of November 7, 2011.

§ 42-815.02. Foreclosure mediation.

(a) For the purposes of this section, the term:

(1) "Borrower" means a residential mortgage borrower and, if different from the residential mortgage borrower, the person who holds record title.

(2) "Commissioner" means the Commissioner of the Department of Insurance, Securities, and Banking.

(2A) "Good faith" means each party in the mediation process actively participates in a manner consistent with the requirements of subsection (e)(1) of this section and those indicators defined by regulations, which may include, as applicable to lenders:

(A) A requirement that the lender evaluates the borrower's eligibility for all available loss-mitigation options, and alternatives to foreclosure applicable to the residential mortgage in default, and offers all options for which the borrower is eligible;

(B) An objective standard for assessing the net present value of receiving modified payments compared to the anticipated net recovery following foreclosure; and

(C) A requirement that if the lender rejects a proposed settlement involving loss-mitigation options or alternatives to foreclosure of that lender, the lender shall provide a written explanation for the rejection of the proposal, which shall include an analysis of the proposal.

(3) "Lender" means a residential mortgage lender. The term "lender" shall include a trustee.

(4) "Loss mitigation analysis" means an analysis, performed by the lender, of a borrower's financial condition, using information in the borrower's loss mitigation application and any other information available to the lender, to evaluate and recommend options in lieu of foreclosure available to borrower from the lender.

(5) "Mediation" means a meeting between lender or trustee and the borrower, with the help of a neutral third-party mediator appointed by the Mediation Administrator, to attempt to reach agreement on a loss mitigation program for the borrower, including the renegotiation of the terms of a borrower's residential mortgage, loan modification, refinancing, short sale, deed in lieu of foreclosure, and any other options that may be available in lieu of foreclosure.

(6) "Mediation Administrator" means an individual designated by the Commissioner to administer mediation services under this section.

(7) "Mediation certificate" means a document issued by the Commissioner to a lender evidencing compliance with the mediation requirements of this act.

(8) "Mediation election form" means a form, prescribed by the Commissioner, upon which the borrower may elect to participate in mediation and certify compliance with the lender's loss mitigation documentation requirements.

(9) "Mediation report" means a summary of the mediation provided by the mediator to the Mediation Administrator on a form prescribed by the Commissioner.

(9A) "Mediation services" includes the selection and employment of a mediator, foreclosure mediation training, and supplies and materials relating to the foreclosure mediation program.

(10) "Mortgage" means a lien instrument, including a mortgage or deed of trust, with at least 2 parties, in which the borrower grants a lien on residential real property to the lender as security for the repayment of a note or loan.

(11) "Notice of default on residential mortgage" means a notice given pursuant to § 42-815(b)(1), in the form that the Mayor shall, by rule, prescribe, which shall contain:

(A) The name and telephone number of the lender;

(B) The following loan information:

(i) The amount of the principal balance and outstanding interest owed;

(ii) All past due payments;

(iii) Penalties; and

(iv) The amount required to cure the default and reinstate the loan, including all past due payments, penalties, and fees; and

(C) Any other information that the Mayor shall, by rule, prescribe.

(12) "Notice of intention to foreclose a residential mortgage" means a notice given pursuant to § 42-815(c).

(13) "Power of sale" means the right of a lender to sell residential real property after an uncured default at a public auction as provided in this act to repay the note or other obligation secured by a deed of trust or mortgage.

(14) "Residential mortgage" shall have the same meaning as in § 42-815.01(a).

(15) "Settlement agreement" means the form, prescribed by the Mediation Administrator, upon which the terms and conditions of an agreement made pursuant to the mediation are set forth.

(16) "Trustee" means the beneficiary of a lien on real property pursuant to a residential mortgage or the assignee for foreclosure of the residential mortgage.

(b) Notwithstanding the provisions of any other law, after a notice of default of a residential mortgage has been given pursuant to § 42-815(b)(1), the lender shall engage in mediation if the borrower elects under subsection (d) of this section. Prior to the foreclosure of any residential mortgage or deed of trust, a lender shall:

(1) Include with the notice of default on a residential mortgage which is mailed to the borrower pursuant to § 42-815(b)(1):

(A) Contact information which the borrower may use to reach an agent or representative of the lender with authority to explain the mediation process;

(B) A statement recommending that the borrower seek housing counseling services;

(C) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(D)(i) A description of all loss mitigation programs available from the lender and applicable to the residential mortgage subject to the notice of default of a residential mortgage; and

(ii) A description of the eligibility requirements for the loss mitigation programs applicable to the residential mortgage subject to the notice of default of a residential mortgage for these programs;

(E)(i) An application in the form that the Mayor, by rule, shall prescribe, for the loss mitigation programs available in connection with the

residential mortgage subject to the notice of default of a residential mortgage; and

(ii) Instructions for completing and mailing the loss mitigation application, with one envelope addressed to the lender; and

(F) A mediation election form, in a form prescribed by the Mediation Administrator, with one envelope addressed to the lender, and one envelope addressed to the Mediation Administrator; and

(2) Provide a copy of the notice of default on a residential mortgage to the Mediation Administrator in accordance with the rules issued pursuant to subsection (j) of this section.

(c)(1) No later than 7 days after the date of the mailing of the form required by subsection (b) of this section, the Mediation Administrator shall mail the following to the borrower:

(A) A statement that the borrower is subject to foreclosure and must take immediate action to avoid foreclosure;

(B) A statement that the borrower is eligible to participate in foreclosure mediation;

(C) The contact information for the Mediation Administrator and a statement instructing that the borrower should immediately contact the Mediation Administrator to obtain additional information;

(D) A statement recommending that the borrower seek housing counseling services;

(E) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development;

(F) A statement recommending that the borrower review the mediation election form and the loss mitigation application provided by the lender;

(G) A request for the borrower immediately to contact the Mediation Administrator and the lender if the borrower has not received a loss mitigation application and mediation election form from the lender;

(H) A request for the borrower to return the mediation election form to the Mediation Administrator and the lender, in the envelopes provided, no later than 30 days from the date of the mailing of the form required by subsection (b) of this section;

(I) A request for the borrower to return the loss mitigation application to the lender, in the envelope provided, no later than 30 days after the date of the mailing of the form required by subsection (b) of this section;

(J) A statement that the borrower will lose the right [to] participate in mediation if the mediation election form and the loss mitigation application are not returned within the stipulated 30-day time period;

(K) A statement that the borrower has to pay a fee as determined by rulemaking payable to the District to participate in mediation; and

(L) A statement that mediation will be held 90 days after the date of the mailing of the form required by subsection (b) of this section.

(2) No later than 20 days after the date of the mailing of the form required by subsection (b) of this section, the Mediation Administrator shall mail to the borrower:

(A) The information specified in paragraph (1) of this subsection;

(B) A statement that the mailing is a 2nd notice and that the borrower must take immediate action to avoid foreclosure.

(d)(1) To participate in mediation, no later than 30 days after the mailing of the notice of default on a residential mortgage and information required by subsection (b) of this section, a borrower shall return the mediation election form and a fee as determined by rulemaking to the Mediation Administrator, and the loss mitigation application to the lender. A borrower shall forfeit the right to mediation if the borrower does not return the mediation election form and the fee as determined by rulemaking to the Mediation Administrator, and the loss mitigation application to the lender, within 30 days after the mailing of the notice of default on a residential mortgage. The requirements in this subsection may be waived by the Mediation Administrator for good cause shown.

(2) For each borrower electing to participate in mediation, the Mediation Administrator shall schedule a mediation session to commence no later than 90 days after the mailing of the notice of default on a residential mortgage.

(3) If the borrower elects to waive mediation by not paying the required fee or by not returning the mediation election form or the loss mitigation application within 30 days after the mailing of the notice of default on a residential mortgage, the Mediation Administrator shall issue a mediation certificate to the lender no earlier than 45 days, but no later than 60 days, after the mailing of the form required by subsection (b) of this section. The power of sale under a mortgage shall not be exercised until the Mediation Administrator has issued a mediation certificate.

(e)(1) Each mediation required by this section shall be conducted by a mediator appointed in accordance with rules issued pursuant to subsection (j) of this section. The lender, or a representative, and the borrower, or a representative, shall attend the mediation. The lender, or its representative, shall bring to the mediation the results of its loss mitigation analysis, a true copy of the mortgage, including the mortgage note or agreement, every assignment of the mortgage, evidence proving that the lender has standing to commence foreclosure against the borrower, and any other information required pursuant to the rules issued under subsection (j) of this section. If a representative of the lender, or the borrower, attends the mediation, the representative shall:

(A) Have authority to:

(i) Address loss mitigation programs that may be available to the borrower;

(ii) Renegotiate the terms of the residential mortgage, including a loan modification; and

(iii) Negotiate any other options that may be available in lieu of foreclosure; or

(B) Have access at all times during the mediation to a person with such authority.

(2)(A) The lender shall be subject to civil penalties payable to the District as follows:

(i) If the lender, or a representative, fails to attend the mediation, a penalty of \$500 shall be imposed;

(ii) If the lender, or a representative, fails to bring to the mediation each document required by this subsection, a penalty of \$500 shall be imposed; or

(iii) If the lender, or a representative, fails to participate in the mediation in good faith, a penalty of \$500 shall be imposed.

(B) Penalties shall be enforceable by an action in the Superior Court of the District of Columbia.

(C) If the borrower fails to attend a scheduled mediation session without good cause shown, no later than 10 days after the scheduled mediation session missed by the borrower, the Mediation Administrator shall issue a mediation certificate to the lender.

(3)(A) If the mediator determines that the parties are unable to agree to a loan modification or to any other foreclosure alternatives, no later than 10 days after the final mediation session has concluded at which the parties were unable to reach an agreement, the mediator shall prepare and submit to the Mediation Administrator, on a form prescribed by the Commissioner, a recommendation that the matter be concluded. After review and consideration of the mediator's report and any recommendations therein, no later than 10 days after receiving the mediator's report, the Mediation Administrator shall do one of the following:

(i) Issue a preliminary mediation certificate on a form prescribed by the Commissioner to the lender; provided, that the lender acted in good faith;

(ii) Issue a determination on a form prescribed by the Commissioner that the lender did not act in good faith; or

(iii) Refer the matter to another mediator.

(B)(i) The preliminary mediation certificate issued pursuant to subparagraph (A)(i) of this paragraph shall serve as a preliminary decision for a 30-day period, after which time, defined in rulemaking, the lender may request, on a form prescribed by the Commissioner, a final mediation certificate from the Mediation Administrator; provided, that no appeal is filed within the 30-day period from the date of issuance.

(ii) During this 30-day period, the borrower may file an appeal to the Superior Court of the District of Columbia. If a borrower files a timely appeal, the borrower shall concurrently notify the Mediation Administrator by filing a copy of the appeal with the Mediation Administrator.

(iii) Upon expiration of the 30-day appeal period, with no appeal filed by the borrower, the lender may request a final mediation certificate from the Mediation Administrator during the time frame defined in rulemaking.

(iv) While an appeal is pending, all foreclosure activities shall be stayed until the appeal is resolved.

(v) The preliminary mediation certificate shall not be recorded with the Recorder of Deeds.

(vi) At the conclusion of the appeal, a Superior Court of the District of Columbia order may be used to request or deny a final mediation certificate.

(C)(i) The determination that a lender did not act in good faith issued pursuant to subparagraph (A)(ii) of this paragraph shall not become final until 30 days from its date of issuance.

(ii) During this 30-day period, the lender may file an appeal with the Superior Court of the District of Columbia.

(iii) If no appeal is filed within the 30-day period, the determination shall become final and the notice of default shall become null and void.

(iv) If an appeal is filed, the imposition of any further fines or assessments and collection of any previously assessed fines or assessments shall be stayed until the Superior Court of the District of Columbia issues a final order.

(4) If the parties enter a settlement agreement:

(A)(i) If the lender breaches the terms of the settlement agreement entered into during mediation, the lender shall pay a penalty of \$ 1,000 and shall be required to perform the terms of a settlement agreement.

(ii) This penalty shall be enforceable by an action in the Superior Court of the District of Columbia.

(B)(i) If the borrower breaches the terms of the settlement agreement entered into during mediation, the lender shall apply to the Mediation Administrator for a mediation certificate.

(ii) Upon receipt of the lender's application for a mediation certificate due to the borrower breaching the terms of the settlement agreement, no later than 10 days after the receipt of the application, the Mediation Administrator may issue a mediation certificate to the lender, the issuance of which shall not be unreasonably withheld.

(5) Mediation shall be concluded within 180 days of the mailing of the form required by subsection (b) of this section, unless extended for an additional 30 days by the mutual consent of both parties.

(f) The lender shall pay a fee as determined by rulemaking for each notice of default on a residential mortgage issued. If the power of sale for a property is exercised, the lender may recover the fee from the proceeds of sale if there is any amount remaining after the payment of all amounts due and owing by the borrower on the residential mortgage and the costs of the sale. The lender shall not be permitted to recover mediation fee paid if there is a deficiency upon the sale of the foreclosed property.

(g) The Mediation Administrator and each mediator who acts in good faith and without gross negligence pursuant to this section shall be immune from civil liability for those acts.

(h) Repealed.

(h-1) A foreclosure sale of property secured by a residential mortgage shall be void if a lender files a notice of intention to foreclose on a residential mortgage without a final recorded mediation certificate.

(h-2) A borrower shall have the same rights to assert claims for a defective notice of default on residential mortgage as the law provides for a defective notice of intention to foreclose on a residential mortgage.

(h-3) Except as provided in subsections (h-1) and (h-2) of this section, a final recorded mediation certificate shall serve as conclusive evidence that all other

provisions of §§ 42-801 through 42-804 and §§ 42-811 through 42-819 and implementing regulations have been complied with and can be relied upon by a bona fide purchaser and a bona fide purchaser's lender or assignees.

(h-4) Nothing in §§ 42-801 through 42-804 and §§ 42-811 through 42-819 shall be construed to limit a borrower's right to assert a claim for fraud or monetary damages against the borrower's lender.

(i) Chapter 3A of title 2 [§ 2-351.01 et seq.], or any successor law, shall not apply to any contract that the Commissioner, or his or her designee, may enter into for foreclosure prevention or remediation services provided pursuant to §§ 42-801 through 42-804 and §§ 42-811 through 42-819 or the Attorneys' General National Mortgage Settlement Agreement. Payment may be made by direct voucher.

(j) The Mayor, pursuant to subchapter I of Chapter 5 of Title [§ 2-501 et seq.], shall issue rules to implement the provisions of this section. The rules shall include provisions:

(1) Ensuring that mediations occur in an orderly and timely manner;

(2) Requiring each party to a mediation to provide such information as the Mediation Administrator determines to be necessary;

(3) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith;

(4) Establishing procedures relating to the appointment of each mediator, the training and qualification requirements for each mediator, and the compensation to be paid to each person serving as a mediator; and

(5) Establishing all applicable fees for the mediation program.

(k) The participation in mediation shall not waive any other legal claims that the lender or borrower may have against each other.

(Mar. 3, 1901, 31 Stat. 1274, ch. 854, § 539b, as added Mar. 12, 2011, D.C. Law 18-314, § 2(c), 57 DCR 12404; Sept. 26, 2012, D.C. Law 19-171, §§ 101, 227, 59 DCR 6190; Nov. 5, 2013, D.C. Law 20-40, § 2(b), 60 DCR 12304.)

Section references. — This section is referenced in § 42-815 and § 42-815.04.

Effect of amendments.

The 2013 amendment by D.C. Law 20-40 rewrote this section.

Temporary Amendment of Section.

For temporary (225 days) amendment of this section, see § 2(b) of the Saving D.C. Homes From Foreclosure Enhanced Temporary Amendment Act of 2013 (D.C. Law 20-15, September 19, 2013, 60 DCR 9559, 20 DCSTAT 1768).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(b) of the Saving D.C. Homes

From Foreclosure Enhanced Emergency Act of 2013 (D.C. Act 20-71, May 16, 2013, 60 DCR 7240, 20 DCSTAT 1419).

For temporary (90 days) amendment of this section, see § 2(b) of the Saving D.C. Homes From Foreclosure Enhanced Congressional Review Emergency Act of 2013 (D.C. Act 20-117, July 24, 2013, 60 DCR 11112, 20 DCSTAT 1818).

Legislative history of Law 20-40. — See note to § 42-815.01.

Editor's notes. — Applicability of D.C. Law 20-40: Section 8 of D.C. Law 20-40 provided that §§ 2 and 3 of the act shall apply as of November 7, 2011.

§ 42-815.03. Establishment of Foreclosure Mediation Fund.

(a)(1) There is established as a nonlapsing special fund, the Foreclosure Mediation Fund ("Fund"), into which shall be deposited the fees and penalties

generated by the foreclosure mediation program, the District's share of proceeds from the February 2012 consent judgments between the federal government and participating states; and any future designated settlements or funds.

(2) The Fund shall be used for one or more of the following purposes:

(A) Payment of mortgage-related or foreclosure-related counseling;

(B) Mortgage-related or foreclosure-related legal assistance or advocacy;

(C) Mortgage-related or foreclosure-related mediation;

(D) Outreach or assistance to help current and former homeowners secure the benefits for which they are eligible under mortgage-related or foreclosure-related settlements or judgments; and

(E) Enforcement work in the area of financial fraud or consumer protection.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General [Fund] of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (a) of this section, subject to authorization by Congress.

(Mar. 3, 1901, 31 Stat. 1274, ch. 854, § 539c, as added Mar. 12, 2011, D.C. Law 18-314, § 2(c), 57 DCR 12404; Nov. 5, 2013, D.C. Law 20-40, § 2(c), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 rewrote (a) which formerly read: “(a) There is established as a nonlapsing fund the Foreclosure Mediation Fund (‘Fund’), which shall be used solely to pay the costs of the administration of the foreclosure mediation established by § 42-815.02. The Mayor shall deposit in the Fund all fees and penalties generated pursuant to the foreclosure mediation program.”

Temporary legislation.

For temporary (225 days) amendment of this section, see § 2(c) of the Saving D.C. Homes From Foreclosure Enhanced Temporary Amendment Act of 2013 (D.C. Law 20-15, September 19, 2013, 60 DCR 9559, 20 DCSTAT 1768).

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(c) of the Saving D.C. Homes From Foreclosure Enhanced Emergency Act of 2013 (D.C. Act 20-71, May 16, 2013, 60 DCR 7240, 20 DCSTAT 1419).

For temporary (90 days) amendment of this section, see § 2(c) of the Saving D.C. Homes From Foreclosure Enhanced Congressional Review Emergency Act of 2013 (D.C. Act 20-117, July 24, 2013, 60 DCR 11112, 20 DCSTAT 1818).

Legislative history of Law 20-40. — See note to § 42-815.01.

Editor's notes. — Applicability of D.C. Law 20-40: Section 8 of D.C. Law 20-40 provided that §§ 2 and 3 of the act shall apply as of November 7, 2011.

§ 42-815.04. Construction.

Other than a judicial review as permitted in § 42-815.02(e)(3) and the rights asserted in § 42-815.02(h-2) and (h-4), nothing in §§ 42-801 through 42-804 and §§ 42-811 through 42-819 shall be construed to create any new administrative, judicial, or other review not otherwise available under existing law and §§ 42-801 through 42-804 and §§ 42-811 through 42-819 shall not apply to actions for judicial foreclosure under § 42-816, or any other action for judicial foreclosure permitted under existing laws.

(Mar. 3, 1901, 31 Stat. 1274, ch. 854, § 539d, as added Nov. 5, 2013, D.C. Law 20-40, § 2(d), 60 DCR 12304.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-40 added this section.

Legislative history of Law 20-40. — See note to § 42-815.01.

Editor’s notes. — Applicability of D.C. Law 20-40: Section 8 of D.C. Law 20-40 provided that §§ 2 and 3 of the act shall apply as of November 7, 2011.

CHAPTER 11. RECORDATION TAX ON DEEDS.

§ 42-1102. Deeds exempt from tax.

Section references. — This section is referenced in § 2-1217.32, § 42-1103, § 42-1108.01, § 42-3404.02, § 47-902, § 47-1002, § 47-2005, § 47-3503, § 47-3505, § 47-3506.01, § 47-4603, § 47-4605, and § 47-4634.

Emergency legislation.
For temporary (90 days) addition of provi-

sions concerning new issue bond program recordation tax refund, see § 2 of the New Issue Bond Program Recordation Tax Refund Emergency Act of 2013 (D.C. Act 20-141, July 31, 2013, 60 DCR 11794, 20 DCSTAT 1986).

TITLE 46. DOMESTIC RELATIONS.

SUBTITLE I. GENERAL.

Chapter
4. Marriage.

SUBTITLE I. GENERAL.

CHAPTER 4. MARRIAGE.

Sec.
46-406. Persons authorized to celebrate marriages.

§ 46-406. Persons authorized to celebrate marriages.

- (a) For the purposes of this section, the term:
- (1) “Civil celebrant” means a person of a secular or non-religious organization who performs marriage ceremonies.
 - (2) “Religious” includes or pertains to a belief in a theological doctrine, a belief in and worship of a divine ruling power, a recognition of a supernatural power controlling man’s destiny, or a devotion to some principle, strict fidelity or faithfulness, conscientiousness, pious affection, or attachment.
 - (3) “Society” means a voluntary association of individuals for religious purposes.

(4) "Temporary officiant" means a person authorized by the Clerk of the Superior Court of the District of Columbia ("Court") to solemnize a specific marriage. The person's authority to solemnize that marriage shall expire upon the filing of the marriage license, pursuant to § 46-412.

(b) For the purpose of preserving the evidence of marriages in the District of Columbia, a marriage authorized under this chapter may be solemnized by the following persons at least 18 years of age at the time of the marriage:

(1) A judge or retired judge of any court of record;

(2) The Clerk of the Court or such deputy clerks of the Court as may, in writing, be designated by the Clerk and approved by the Chief Judge of the Court;

(3) A minister, priest, rabbi, or authorized person of any religious denomination or society;

(4) For any religious society which does not by its own custom require the intervention of a minister for the celebration of marriages, a marriage may be solemnized in the manner prescribed and practiced in that religious society, with the license issued to, and returns to be made by, a person appointed by the religious society for that purpose;

(5) A civil celebrant;

(6) A temporary officiant;

(7) Members of the Council;

(8) The Mayor of the District of Columbia; or

(9) The parties to the marriage.

(b-1) All persons authorized by subsection (b) of this section to solemnize marriages shall comply with the requirements of § 46-412.

(b-2) The Court shall charge a reasonable registration fee for authorization to solemnize marriages; provided, that the registration fee for a temporary officiant shall not exceed \$25.

(c) No priest, imam, rabbi, minister, or other official of any religious society who is authorized to solemnize or celebrate marriages shall be required to solemnize or celebrate any marriage.

(d) Each religious society has exclusive control over its own theological doctrine, teachings, and beliefs regarding who may marry within that particular religious society's faith.

(e)(1) Notwithstanding any other provision of law, a religious society, or a nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society, shall not be required to provide services, accommodations, facilities, or goods for a purpose related to the solemnization or celebration of a marriage, or the promotion of marriage through religious programs, counseling, courses, or retreats, that is in violation of the religious society's beliefs.

(2) A refusal to provide services, accommodations, facilities, or goods in accordance with this subsection shall not create any civil claim or cause of action, or result in a District action to penalize or withhold benefits from the religious society or nonprofit organization that is operated, supervised, or controlled by or in conjunction with a religious society.

(Mar. 3, 1901, 31 Stat. 1392, ch. 854, § 1288; Apr. 23, 1904, 33 Stat. 297, ch. 1490, § 1; June 25, 1948, 62 Stat. 991, ch. 646, § 32(a), (b); May 24, 1949, 63 Stat. 107, ch. 139, § 127; July 5, 1966, 80 Stat. 264, Pub. L. 89-493, § 13(a), (b); July 29, 1970, 84 Stat. 570, Pub. L. 91-358, title I, § 155(a); Jan. 26, 1982, D.C. Law 4-60, § 2, 28 DCR 4768; Mar. 3, 2010, D.C. Law 18-110, § 2(d), 57 DCR 27; Nov. 5, 2013, D.C. Law 20-36, § 2, 60 DCR 12143.)

Section references. — This section is referenced in § 46-412.

Effect of amendments.

The 2013 amendment by D.C. Law 20-36 rewrote (a) and (b); and added (b-1) and (b-2).

Legislative history of Law 20-36. — Law 20-36, the “Marriage Officiant Amendment Act of 2013,” was introduced in Council and as-

signed Bill No. 20-118. The Bill was adopted on first and second readings on June 26, 2013, and July 10, 2013, respectively. Signed by the Mayor on August 6, 2013, it was assigned Act No. 20-152 and transmitted to Congress for its review. D.C. Law 20-36 became effective on November 5, 2013.

TITLE 47. TAXATION, LICENSING, PERMITS, ASSESSMENTS, AND FEES.

Chapter

3. Budget and Financial Management; Borrowing; Deposit of Funds.
8. Real Property Assessment and Tax.
28. General License Law.

CHAPTER 1. GENERAL PROVISIONS.

§ 47-102. Total indebtedness not to be increased.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(a) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 3. BUDGET AND FINANCIAL MANAGEMENT; BORROWING; DEPOSIT OF FUNDS.

Subchapter II-D. Income Tax Secured Bonds

proval of financial plan and annual District budget.

Sec.

47-340.28. Bond authorization.

Subchapter VII. Financial Responsibility and Management Assistance

Part B

Establishment and Enforcement of Financial Plan and Budget for District Government

47-392.02. Process for submission and ap-

*Subchapter II-D. Income Tax Secured Bonds.***§ 47-340.28. Bond authorization.**

(a) Bonds in one or more series may be issued in an aggregate principal amount not to exceed \$9,180,985,000 to fund costs of Capital Projects (including the issuance of both refunding bonds and bond anticipation notes from time to time in one or more series to refund Outstanding Debt or in anticipation of all or a portion of the bonds; provided, that the principal amount of any such refunded bonds or notes shall not be included in the total amount authorized by this section upon their repayment or defeasance from bond proceeds), such amount being subject to adjustment by Council act, plus an amount equal to all costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses, capitalized interest, establishment of debt service or other reserve funds related to the bonds, the payment of costs of contracts described in § 47-340.30(f), and the payments of other debt program related costs as provided in the related agreements.

(b) The bonds authorized pursuant to subsection (a) of this section shall be tax-exempt or taxable as the Chief Financial Officer shall determine and shall be payable in the manner set forth in § 47-340.31.

(b-1) The Council shall specify and determine from time to time, by resolution, the capital projects for which the issuance of bonds shall be authorized.

(c) The Chief Financial Officer may pay from the proceeds of the bonds the costs and expenses specified in subsection (a) of this section, plus amounts, to the extent necessary, to establish or maintain the tax-exempt status of any of the bonds issued on a tax-exempt basis.

(d) Subject to applicable law, the District shall maintain a capital projects fund separate and apart from other funds of the District into which it will deposit the proceeds of any series of the bonds, less any capitalized interest accrued interest and costs of issuance. The District shall expend the bond proceeds only to finance Capital Projects or to refund Outstanding Debt. Subject to applicable law, the proceeds of any series of the bonds may be escrowed in appropriate accounts with escrow agents or the trustee to be applied to the applicable purposes. Interest or other investment earnings of proceeds in the capital projects fund shall be credited to the General Fund of the District of Columbia, subject to provisions for any deposit requirements to a rebate fund or other funds in accordance with agreements pertaining to the bonds.

(e) The costs of the capital projects approved for financing pursuant to this section and prior bond acts that have become law, which are paid originally from the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, are reasonably expected to be reimbursed in whole or in part with the proceeds of the bonds in the maximum amount set forth in subsection (a) of this section. The Council declares that it is the intent

of the District, in accordance with Treas. Reg. § 1.150-2, issued under the Internal Revenue Code of 1986, approved October 22, 1986 (100 Stat. 2085; 26 U.S.C. § 1 et seq.), to reimburse the General Fund of the District of Columbia, any enterprise fund, or other fund or account of the District, with the proceeds of the bonds.

(Oct. 22, 2008, D.C. Law 17-254, § 2(b), 55 DCR 9275; Nov. 16, 2011, D.C. Law 19-39, § 2(b), 58 DCR 8471; Dec. 5, 2013, D.C. Law 20-46, § 2, 60 DCR 14962.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-46 substituted “\$9,180,985,000” for “\$5,180,985,000 in (a).”

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Income Tax Secured Bond Authorization Emergency Act of 2013 (D.C. Act 20-166, September 30, 2013, 60 DCR 14730).

Legislative history of Law 20-46. — Law

20-46, the “Income Tax Secured Bond Authorization Act of 2013,” was introduced in Council and assigned Bill No. 20-256. The Bill was adopted on first and second readings on July 10, 2013, and Sept. 17, 2013, respectively. Signed by the Mayor on Oct. 4, 2013, it was assigned Act No. 20-185 and transmitted to Congress for its review. D.C. Law 20-46 became effective on December 5, 2013.

Subchapter III-B. Anti-Deficiency.

§ 47-355.05. Reporting requirements of the Chief Financial Officer and Agency Fiscal Officers.

Section references. — This section is referenced in § 1-301.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2 of the OCFO Audit Report Transparency Congressional Review Emergency Act of 2013 (D.C. Act 20-8, January 31, 2013, 60 DCR 3952, 20 DCSTAT 458).

Subchapter IV-B. Adjustments to Appropriations.

§ 47-369.01. General Fund surplus.

Temporary legislation. — For temporary (225 days) FY 2013 Revised Budget Request adjustment, see § 2 of the Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013 (D.C. Law 20-14, September 19, 2013, 60 DCR 9554, 20 DCSTAT 1764).

Emergency legislation. — For temporary (90 days) FY 2013 Revised Budget Request adjustment, see § 2 of the Fiscal Year 2013 Revised Budget Request Emergency Adjustment Act of 2013 (D.C. Act 20-74, May 23, 2013, 60 DCR 7592, 20 DCSTAT 1424).

§ 47-369.02. Increases to appropriations.

Temporary Addition of Section.

For temporary (225 days) FY 2013 Revised Budget Request adjustment, see § 2 of the Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013 (D.C. Law 20-14, September 19, 2013, 60 DCR 9554, 20 DCSTAT 1764).

Emergency legislation.

For temporary (90 days) FY 2013 Revised Budget Request adjustment, see § 2 of the Fiscal Year 2013 Revised Budget Request Emergency Adjustment Act of 2013 (D.C. Act 20-74, May 23, 2013, 60 DCR 7592, 20 DCSTAT 1424).

Subchapter VII. Financial Responsibility and Management Assistance.

PART A.

ESTABLISHMENT AND ORGANIZATION OF AUTHORITY.

§ 47-391.03. Powers of Authority.

Section references. — This section is referenced in § 47-391.05.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 286(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

PART B.

ESTABLISHMENT AND ENFORCEMENT OF FINANCIAL PLAN AND BUDGET FOR DISTRICT GOVERNMENT.

§ 47-392.02. Process for submission and approval of financial plan and annual District budget.

(a) *Submission of preliminary financial plan and budget by Mayor.* — Not later than the February 1 preceding a fiscal year for which the District government is in a control period, the Mayor shall submit to the Authority and the Council a financial plan and budget for the fiscal year which meets the requirements of § 47-392.01.

(b) *Review by authority.* — Upon receipt of the financial plan and budget for a fiscal year from the Mayor under subsection (a) of this section, the Authority shall promptly review the financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this part.

(c) *Action upon approval of Mayor's preliminary financial plan and budget.* —

(1) *Certification to Mayor.* —

(A) *In general.* — If the Authority determines that the financial plan and budget for the fiscal year submitted by the Mayor under subsection (a) of this section meets the requirements applicable under § 47-392.01:

(i) The Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) The Mayor shall promptly submit the financial plan and budget to the Council pursuant to § 1-204.42.

(B) *Deemed approval after 30 days.* —

(i) *In general.* — If the Authority has not provided the Mayor, the Council, and Congress with a notice certifying approval under subparagraph

(A)(i) of this paragraph or a statement of disapproval under subsection (d)(1) of this section upon the expiration of the 30-day period which begins on the date the Authority receives the financial plan and budget from the Mayor under subsection (a) of this section, the Authority shall be deemed to have approved the financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (A)(i) of this paragraph.

(ii) *Explanation of failure to respond.* — If sub-subparagraph (i) of this subparagraph applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 30-day period described in sub-subparagraph (i) of this subparagraph.

(2) *Adoption of financial plan and budget by Council after receipt of approved financial plan and budget.* — Notwithstanding the first sentence of § 1-204.46, not later than 30 days after receiving the financial plan and budget for the fiscal year from the Mayor under paragraph (1)(A)(ii) of this subsection, the Council shall by Act adopt a financial plan and budget for the fiscal year which shall serve as the adoption of the budgets of the District government for the fiscal year under such section, and shall submit such financial plan and budget to the Mayor and the Authority.

(3) *Review of Council financial plan and budget by Authority.* — Upon receipt of the financial plan and budget for a fiscal year from the Council under paragraph (2) of this subsection (taking into account any items or provisions disapproved by the Mayor or disapproved by the Mayor and reenacted by the Council under § 1-204.04(f)), the Authority shall promptly review the financial plan and budget. In conducting the review, the Authority may request any additional information it considers necessary and appropriate to carry out its duties under this part.

(4) *Results of Authority review of Council's initial financial plan and budget.* —

(A) *Approval of Council's initial financial plan and budget.* — If the Authority determines that the financial plan and budget for the fiscal year submitted by the Council under paragraph (2) of this subsection meets the requirements applicable under § 47-392.01:

(i) The Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) The Council shall promptly submit the financial plan and budget to the Mayor for transmission to the President and Congress under § 1-204.46.

(B) *Disapproval of Council's initial budget.* — If the Authority determines that the financial plan and budget for the fiscal year submitted by the Council under paragraph (2) of this subsection does not meet the requirements applicable under § 47-392.01, the Authority shall disapprove the financial plan and budget, and shall provide the Mayor, the Council, the President, and Congress with a statement containing:

(i) The reasons for such disapproval;

- (ii) The amount of any shortfall in the budget or financial plan; and
- (iii) Any recommendations for revisions to the budget the Authority considers appropriate to ensure that the budget is consistent with the financial plan and budget.

(C) *Deemed approval after 15 days.* —

(i) *In general.* — If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (A)(i) of this paragraph or a statement of disapproval under subparagraph (B) of this paragraph upon the expiration of the 15-day period which begins on the date the Authority receives the financial plan and budget from the Council under paragraph (2) of this subsection, the Authority shall be deemed to have approved the financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (A)(i) of this paragraph.

(ii) *Explanation of failure to respond.* — If sub-subparagraph (i) of this subparagraph applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in sub-subparagraph (i) of this subparagraph.

(5) *Authority review of Council's revised financial plan and budget.* —

(A) *Submission of Council's revised financial plan and budget.* — Not later than 15 days after receiving the statement from the Authority under paragraph (4)(B) of this subsection, the Council shall promptly by Act adopt a revised financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement, and shall submit such financial plan and budget to the Mayor and the Authority.

(B) *Approval of Council's revised financial plan and budget.* — If, after reviewing the revised financial plan and budget for a fiscal year submitted by the Council under subparagraph (A) of this paragraph in accordance with the procedures described in this subsection, the Authority determines that the revised financial plan and budget meets the requirements applicable under § 47-392.01:

(i) The Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) The Council shall promptly submit the financial plan and budget to the Mayor for transmission to the President and Congress under § 1-204.46.

(C) *Disapproval of Council's revised financial plan and budget.* —

(i) *In general.* — If, after reviewing the revised financial plan and budget for a fiscal year submitted by the Council under subparagraph (A) of this paragraph in accordance with the procedures described in this subsection, the Authority determines that the revised financial plan and budget does not meet the applicable requirements under § 47-392.01, the Authority shall:

(I) Disapprove the financial plan and budget;

(II) Provide the Mayor, the Council, the President, and Congress with a statement containing the reasons for such disapproval and describing the amount of any shortfall in the financial plan and budget; and

(III) Approve and recommend a financial plan and budget for the District government which meets the applicable requirements under § 47-392.01, and submit such financial plan and budget to the Mayor, the Council, the President, and Congress.

(ii) *Transmission of rejected financial plan and budget.* — The Council shall promptly submit the revised financial plan and budget disapproved by the Authority under this subparagraph to the Mayor for transmission to the President and Congress under § 1-204.46.

(D) *Deemed approval after 15 days.* —

(i) *In general.* — If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (B)(i) of this paragraph or a statement of disapproval under subparagraph (C) of this paragraph upon the expiration of the 15-day period which begins on the date the Authority receives the revised financial plan and budget submitted by the Council under subparagraph (A) of this paragraph, the Authority shall be deemed to have approved the revised financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (B)(i) of this paragraph.

(ii) *Explanation of failure to respond.* — If sub-subparagraph (i) of this subparagraph applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in sub-subparagraph (i) of this subparagraph.

(6) *Deadline for transmission of financial plan and budget by Authority.* — Notwithstanding any other provision of this section, not later than the June 15 preceding each fiscal year which is a control year, the Authority shall:

(A) Provide Congress with a notice certifying its approval of the Council's initial financial plan and budget for the fiscal year under paragraph (4)(A) of this subsection;

(B) Provide Congress with a notice certifying its approval of the Council's revised financial plan and budget for the fiscal year under paragraph (5)(B) of this subsection; or

(C) Submit to Congress an approved and recommended financial plan and budget of the Authority for the District government for the fiscal year under paragraph (5)(C) of this subsection.

(d) *Action upon disapproval of Mayor's preliminary financial plan and budget.* —

(1) *Statement of disapproval.* — If the Authority determines that the financial plan and budget for the fiscal year submitted by the Mayor under subsection (a) of this section does not meet the requirements applicable under § 47-392.01, the Authority shall disapprove the financial plan and budget, and shall provide the Mayor and the Council with a statement containing:

(A) The reasons for such disapproval;

(B) The amount of any shortfall in the financial plan and budget; and

(C) Any recommendations for revisions to the financial plan and budget the Authority considers appropriate to ensure that the financial plan and budget meets the requirements applicable under § 47-392.01.

(2) *Authority review of Mayor's revised financial plan and budget.* —

(A) *Submission of Mayor's revised financial plan and budget.* — Not later than 15 days after receiving the statement from the Authority under paragraph (1) of this subsection, the Mayor shall promptly submit to the Authority and the Council a revised financial plan and budget for the fiscal year which addresses the reasons for the Authority's disapproval cited in the statement.

(B) *Approval of Mayor's revised financial plan and budget.* — If the Authority determines that the revised financial plan and budget for the fiscal year submitted by the Mayor under subparagraph (A) of this paragraph meets the requirements applicable under § 47-392.01:

(i) The Authority shall approve the financial plan and budget and shall provide the Mayor, the Council, the President, and Congress with a notice certifying its approval; and

(ii) The Mayor shall promptly submit the financial plan and budget to the Council pursuant to § 1-204.42.

(C) *Disapproval of Mayor's revised financial plan and budget.* —

(i) *In general.* — If the Authority determines that the revised financial plan and budget for the fiscal year submitted by the Mayor under subparagraph (A) of this paragraph does not meet the requirements applicable under § 47-392.01, the Authority shall:

(I) Disapprove the financial plan and budget;

(II) Shall provide the Mayor, the Council, the President, and Congress with a statement containing the reasons for such disapproval; and

(III) Recommend a financial plan and budget for the District government which meets the requirements applicable under § 47-392.01 and submit such financial plan and budget to the Mayor and the Council.

(ii) *Submission of rejected financial plan and budget.* — The Mayor shall promptly submit the revised financial plan and budget disapproved by the Authority under this subparagraph to the Council pursuant to § 1-204.42.

(D) *Deemed approval after 15 days.* —

(i) *In general.* — If the Authority has not provided the Mayor, the Council, the President, and Congress with a notice certifying approval under subparagraph (B)(i) of this paragraph or a statement of disapproval under subparagraph (C) of this paragraph upon the expiration of the 15-day period which begins on the date the Authority receives the revised financial plan and budget submitted by the Mayor under subparagraph (A) of this paragraph, the Authority shall be deemed to have approved the revised financial plan and budget and to have provided the Mayor, the Council, the President, and Congress with the notice certifying approval described in subparagraph (B)(i) of this paragraph.

(ii) *Explanation of failure to respond.* — If sub-subparagraph (i) of this subparagraph applies with respect to a financial plan and budget, the Authority shall provide the Mayor, the Council, the President and Congress

with an explanation for its failure to provide the notice certifying approval or the statement of disapproval during the 15-day period described in sub-subparagraph (i) of this subparagraph.

(3) *Action by Council.* —

(A) *Adoption of financial plan and budget.* — Notwithstanding the first sentence of § 1-204.46, not later than 30 days after receiving the Mayor's approved revised financial plan and budget for the fiscal year under paragraph (2)(B) of this subsection or (in the case of a financial plan and budget disapproved by the Authority) the financial plan and budget recommended by the Authority under paragraph (2)(C)(i)(III) of this subsection, the Council shall by Act adopt a financial plan and budget for the fiscal year which shall serve as the adoption of the budgets of the District government for the fiscal year under such section, and shall submit the financial plan and budget to the Mayor and the Authority.

(B) *Review by Authority.* — The financial plan and budget submitted by the Council under subparagraph (A) of this paragraph shall be subject to review by the Authority and revision by the Council in the same manner as the financial plan and budget submitted by the Council after an approved preliminary financial plan and budget of the Mayor under paragraphs (3), (4), (5), and (6) of subsection (c) of this section.

(e) *Revisions to financial plan and budget.* —

(1) *Permitting Mayor to submit revisions.* — The Mayor may submit proposed revisions to the financial plan and budget for a control year to the Authority at any time during the year.

(2) *Process for review, approval, disapproval, and Council action.* — Except as provided in paragraph (3) of this subsection, the procedures described in subsections (b), (c), and (d) of this section shall apply with respect to a proposed revision to a financial plan and budget in the same manner as such procedures apply with respect to the original financial plan and budget, except that subparagraph (B) of subsection (c)(1) (relating to deemed approval by the Authority of a preliminary financial plan and budget of the Mayor) shall be applied as if the reference to the term "30-day period" were a reference to "20-day period".

(3) *Exception for revisions not affecting appropriations.* — To the extent that a proposed revision to a financial plan and budget adopted by the Council pursuant to this subsection does not increase the amount of spending with respect to any account of the District government, the revision shall become effective upon the Authority's approval of such revision (subject to review by Congress under § 1-206.02(c)).

(f) *Requirements for a Pay-as-you-go Capital Account.* —

(1) There is established a segregated, nonlapsing account within the Capital Fund to be designated as the Pay-as-you-go Capital Account.

(2) Beginning in fiscal year 2016, the annual proposed budget and financial plan submitted to the Council and the approved budget and financial plan submitted to the Congress of the United States shall include a Pay-as-you-go Capital Account for the upcoming fiscal year and each subsequent financial plan year.

(3) The annual amount of local funds deposited in the Pay-as-you-go Capital Account shall be equal to the projected local funds revenue of each year, minus the local funds revenue in the budget and financial plan approved May, 2015, multiplied by 25%.

(4) Funding under this subsection shall not be required if the debt service expenditures on all General Fund of the District of Columbia tax-supported debt equals or is less than 5% of General Fund of the District of Columbia expenditures.

(5)(A) All funds in the Pay-as-you-go Capital Account shall be used for the purpose of reducing future District borrowing for capital purposes by using the funds in the Pay-as-you-go Capital Account in lieu of proposed borrowing. Any use of these funds must be accompanied by the certification of the Chief Financial Officer that the funds are available in the Pay-as-you-go Capital Account and will be used to replace proposed District Bonds (as defined in § 47-443(2)(C)) that otherwise would have been issued for those purposes and that the District will not otherwise borrow such amounts for other purposes. Use of funds in the Pay-as-you-go Capital Account will reduce an identical amount in the existing Capital Improvements Program.

(B) For purposes of certification, including certification pursuant to the subchapter II of Chapter 3 of Title 47, the Chief Financial Officer shall certify that all expenditures from the Pay-as-you-go Capital Account, if treated as if they were expenditures from District Bond proceeds, assuming repayment at a level debt service with interest at the applicable rate obtained by the District in its most recent general obligation or income tax secured revenue bond offering, would not have caused the District to exceed the borrowing limitations contained in Subchapter II of Chapter 3 of Title 47.

(g) - (h) [Omitted].

(i) *Expedited submission and approval of consensus budget and financial plan.* — Notwithstanding any other provision of this section, if the Mayor, the Council, and the Authority jointly develop a financial plan and budget for the fiscal year which meets the requirements applicable under § 47-392.01 and which the Mayor, Council, and Authority certify reflects a consensus among them:

(1) Such financial plan and budget shall serve as the budget of the District government for the fiscal year adopted by the Council under § 1-204.46; and

(2) The Mayor shall transmit the financial plan and budget to the President and Congress under such section.

(j) *Reserve funds.* —

(1) *Budget reserve.* —

(A) *In general.* — For each of the fiscal years 2002 and 2003, the budget of the District government for the fiscal year shall contain a budget reserve in the following amounts:

(i) \$120,000,000, in the case of fiscal year 2002.

(ii) \$70,000,000, in the case of fiscal year 2003.

(B) *Availability of funds.* — Any amount made available from the budget reserve described in subparagraph (A) shall remain available until expended.

(C) *Availability of fiscal year 2001 budget reserve funds.* — For fiscal year 2001, any amount in the budget reserve shall remain available until expended.

(2) *Cumulative cash reserve.* — In addition to any other cash reserves required under section 450A of the District of Columbia Home Rule Act [§ 1-204.50a], for each of the fiscal years 2004 and 2005, the budget of the District government for the fiscal year shall contain a cumulative cash reserve of \$50,000,000.

(3) *Conditions on use.* — The District of Columbia may obligate or expend amounts in the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) only in accordance with the following conditions:

(A) The Chief Financial Officer of the District of Columbia shall certify that the amounts are available.

(B) The amounts shall be obligated or expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(C) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(D) The amounts may be obligated or expended only if the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate in writing 30 days in advance of any obligation or expenditure.

(4) *Replenishment.* — Any amount of the budget reserve under paragraph (1) or the cumulative cash reserve under paragraph (2) which is expended in 1 fiscal year shall be replenished in the following fiscal year appropriations to maintain the required balance.

(j-1) *Fiscal Stabilization Reserve Account.* —

(1) The Chief Financial Officer shall create a segregated nonlapsing account within the cumulative General Fund of the District of Columbia ("General Fund") balance to be designated the Fiscal Stabilization Reserve Account.

(2) The Fiscal Stabilization Reserve Account may be used by the Mayor for those purposes permitted for use of the Contingency Reserve Fund (except for cash flow management purposes) specified in § 1-204.50a(b)(4), as certified by the Chief Financial Officer, with approval of the Council by act.

(3) At full funding, the Fiscal Stabilization Reserve Account shall be equal to 2.34% of the District's General Fund operating expenditures for each fiscal year.

(j-2) *Cash Flow Reserve Account.* —

(1) The Chief Financial Officer shall create a segregated nonlapsing account within the cumulative General Fund balance to be designated the Cash Flow Reserve Account.

(2) The Cash Flow Reserve Account may be used by the Chief Financial Officer to cover cash-flow needs; provided, that any amounts used must be replenished to the Cash Flow Reserve Account in the same fiscal year.

(3) At full funding, the Cash Flow Reserve Account shall be equal to 8.33% of the General Fund operating budget for each fiscal year.

(j-3) *Fund Balance Deposit Requirements.* — If either of the Fiscal Stabilization Reserve Account or the Cash Flow Reserve Account are below full

funding, as specified in, respectively, subsections (j-1) and (j-2) of this section, immediately upon issue of the Comprehensive Annual Financial Report, the Chief Financial Officer shall deposit 50% of the undesignated end-of-year fund balance into each account, or 100% of the end-of-year fund balance into the remaining account that has not reached capacity, to fully fund these accounts to the extent that the undesignated end-of-year fund balance allows.

(j-4) If amounts required for the Emergency Cash Reserve Fund or the Contingency Reserve Fund pursuant to § 1-204.50a are reduced, the amount required to be deposited in Fiscal Stabilization Reserve Account shall be increased by a like amount.

(k) *Positive fund balance.* — [Repealed].

(Apr. 17, 1995, 109 Stat. 109, Pub. L. 104-8, § 202; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Aug. 5, 1997, 111 Stat. 779, Pub. L. 105-33, § 11603(b); Oct. 21, 1998, 112 Stat. 2681, Pub. L. 105-277, § 155; Apr. 20, 1999, D.C. Law 12-264, § 52(g), 46 DCR 2118; Nov. 29, 1999, 113 Stat. 1523, Pub. L. 106-113, § 148; Nov. 22, 2000, 114 Stat. 2440, Pub. L. 106-522, § 159(b); Dec. 21, 2001, 115 Stat. 923, Pub. L. 107-96, § 133(a); Mar. 25, 2009, D.C. Law 17-360, § 2(d), 56 DCR 1200; Mar. 3, 2010, D.C. Law 18-111, § 7211(c), 57 DCR 181; Sept. 24, 2010, D.C. Law 18-223, § 7162, 57 DCR 6242; Apr. 8, 2011, D.C. Law 18-370, § 792, 58 DCR 1008; Sept. 14, 2011, D.C. Law 19-21, § 7012(a)(3), 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 8008, 59 DCR 8025.)

Section references. — This section is referenced in § 2-352.02, § 47-392.03, § 47-392.04, § 47-392.06, § 47-392.08, and § 47-393.

Effect of amendments. — Public Law 105-33 added (i).

Public Law 105-33 added a second subsection (i).

Public Law 106-113 redesignated the second subsection (i) as subsection (j); and added (k).

Public Law 106-522 rewrote (j)(1); added (j)(4); and repealed (k).

Public Law 107-96 rewrote (j).

D.C. Law 17-360 added subsec. (j-1).

D.C. Law 18-111 substituted “that not less than \$25 million” for “that \$25 million” in

(j-1)(3)(A); and substituted “Cash Reserve, including the \$25 million specified in paragraph 3(A) of this subsection,” for “Cash Reserve” in (j-1)(4).

D.C. Law 18-223 rewrote (f) and (j-1); and added (j-2), (j-3), and (j-4).

D.C. Law 18-370 substituted “December 7, 2010” for “May 26, 2010” in (f)(3).

D.C. Law 19-21 substituted “2013” for “2012”; and, in subsec. (f)(3), substituted “May 24, 2011” for “May 26, 2010” in (f)(2).

The 2012 amendment by D.C. Law 19-168 substituted “fiscal year 2016” for “fiscal year 2013” in (f)(2); and substituted “May, 2015” for “May 24, 2011” in (f)(3).

CHAPTER 4. COLLECTION AND DISBURSEMENT OF TAXES.

Subchapter VI. Tax Revision Commission.

§ 47-462. Tax Revision Commission — Established; submission of recommendations.

Temporary legislation. — For temporary (225 days) amendment of this section, see § 2 of the Tax Revision Commission Report Extension and Procurement Streamlining Temporary

Amendment Act of 2013 (D.C. Law 20-5, May 18, 2013, 60 DCR 4667, 20 DCSTAT 1272).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Tax Revision Commission Report Extension and Procurement Streamlining Emergency Act of 2013 (D.C. Act 20-19, March 1, 2013, 60 DCR 3974, 20 DCSTAT 476).

For temporary (90 days) amendment of this section, see § 2 of the Tax Revision Commission Report Extension and Procurement Streamlining Congressional Review Emergency Act of 2013 (D.C. Act 20-67, May 15, 2013, 60 DCR 7232, 20 DCSTAT 1417).

CHAPTER 8. REAL PROPERTY ASSESSMENT AND TAX.

Subchapter II. Authority and Procedure to Establish Real Property Tax Rates

Sec.

47-825.01. Board of Real Property Assessments and Appeals. [Repealed].

Sec.

47-812. Establishment of rates.

Subchapter II. Authority and Procedure to Establish Real Property Tax Rates.

§ 47-812. Establishment of rates.

(a) The Council, after public hearing, shall by October 15 of each year establish, by act, rates of taxation, by class, as provided in § 47-813, and the rates shall be applied, during the tax year, to the assessed value of all real property subject to taxation. The Council, acting by resolution, may extend the time for establishing the rates of taxation. If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.

(a-1) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable property in the District of Columbia for the tax year beginning October 1, 1994, and ending September 30, 1995, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.

(a-2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.

(b) Notwithstanding the provisions of subsection (a) of this section, the following real property tax rates are established for taxable real property in the District of Columbia for the real property tax year beginning October 1, 1995, and ending September 30, 1996:

- (1) \$0.3659 for each \$100 of assessed value for Class 1 Property;
- (2) \$0.5869 for each \$100 of assessed value for Class 2 Property;
- (3) \$0.7050 for each \$100 of assessed value for Class 3 Property;
- (4) \$0.8194 for each \$100 of assessed value for Class 4 Property; and

(5) \$1.9055 for each \$100 of assessed value for Class 5 Property.

(b-1) Notwithstanding the provisions of section 413, subsection (a) of this section, or any other law imposing requirements on the enactment of these tax rates, the following real property tax rates are established for taxable real property in the District of Columbia for the real property tax year beginning October 1, 1996, and ending September 30, 1997:

- (1) \$0.3936 (for each \$100 of assessed value) for Class One Property;
- (2) \$0.6314 (for each \$100 of assessed value) for Class Two Property;
- (3) \$0.7585 (for each \$100 of assessed value) for Class Three Property;
- (4) \$0.8815 (for each \$100 of assessed value) for Class Four Property; and
- (5) \$2.0500 (for each \$100 of assessed value) for Class Five Property.

(b-2) Notwithstanding the provisions of subsection (a) of this section, the following real property tax rates are established for taxable real property in the District of Columbia for the tax year beginning October 1, 1997, and ending September 30, 1998:

- (1) \$0.2400 for each \$100 of assessed value for Class 1 Property;
- (2) \$0.3850 for each \$100 of assessed value for Class 2 Property;
- (3) \$0.4625 for each \$100 of assessed value for Class 3 Property;
- (4) \$0.5375 for each \$100 of assessed value for Class 4 Property; and
- (5) \$1.2500 for each \$100 of assessed value for Class 5 Property.

(b-3) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and the special real property tax rates for taxable property in the District of Columbia for the tax year beginning October 1, 1999, and ending September 30, 2000, shall be:

- (1) \$0.96 for each \$100 of assessed value for Class 1 Property;
- (2) \$1.34 for each \$100 of assessed value for Class 2 Property;
- (3) \$1.85 for each \$100 of assessed value for Class 3 Property; and
- (4) \$2.05 for each \$100 of assessed value for Class 4 Property.

(b-4)(1) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and the special real property tax rates for taxable property in the District of Columbia for the tax year beginning October 1, 2000, and ending September 30, 2001, shall be:

- (A) \$0.96 for each \$100 of assessed value for Class 1 Property;
- (B) \$1.15 for each \$100 of assessed value for Class 2 Property;
- (C) \$1.85 for each \$100 of assessed value for Class 3 Property; and
- (D) \$1.95 for each \$100 of assessed value for Class 4 Property.

(2) Paragraph (1) of this subsection shall not apply if the certification by the Chief Financial Officer required by § 47-387.01 demonstrates that the accumulated general fund balance for the immediately preceding fiscal year is below 5% of the general fund operating budget for the current fiscal year, the nominal GDP growth is less than or equal to 3.5% or the real GDP growth is less than or equal to 1.7%.

(b-5)(1) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and the special real property tax rates for taxable property in the District of Columbia for the tax year beginning October 1, 2001, and ending September 30, 2002, shall be:

- (A) \$0.96 for each \$100 of assessed value for Class 1 Property; and

(B) \$1.85 for each \$100 of assessed value for Class 2 Property.

(2) Repealed.

(3) \$1.1450 for each \$100 of assessed value for Class 3 Property;

(4) \$1.3306 for each \$100 of assessed value for Class 4 Property; and

(5) \$3.0945 for each \$100 of assessed value for Class 5 Property.

(b-6) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and the special real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 2002, shall be:

(1) \$0.96 for each \$100 of assessed value for Class 1 Property;

(2) \$1.85 for each \$100 of assessed value for Class 2 Property; and

(3) \$5.00 for each \$100 of assessed value for Class 3 Property.

(b-7) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 2005, shall be:

(1) \$0.92 for each \$100 of assessed value for Class 1 Property;

(2) \$1.85 for each \$100 of assessed value for Class 2 Property; and

(3) \$5.00 for each \$100 of assessed value for Class 3 Property.

(b-8)(1)(A) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 1 Property in the District of Columbia for the tax year beginning October 1, 2006, and each tax year thereafter, shall be established as follows:

(i)(I) For the tax year beginning October 1, 2006, the Mayor shall compute the real property tax rate (rounded up to the nearest penny) for Class 1 Properties calculated to yield in the tax year the same amount of taxes estimated to be collected, as certified in the latest revenue estimate, during the tax year beginning October 1, 2005, plus 9%.

(II) Before September 16, 2006, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph.

(ii)(I) For the tax year beginning October 1, 2007, the Mayor shall compute the real property tax rate (rounded up to the nearest penny) for Class 1 Properties calculated to yield in the tax year the same amount of taxes estimated to be collected, as certified in the latest revenue estimate, during the tax year beginning October 1, 2006, plus 8%.

(II) Before September 16, 2007, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph.

(iii)(I) For the tax year beginning October 1, 2008, the Mayor shall compute the real property tax rate (rounded up to the nearest penny) for Class 1 Properties calculated to yield in the tax year the same amount of taxes estimated to be collected, as certified in the latest revenue estimate, during the tax year beginning October 1, 2007, plus 7%.

(II) Before September 16, 2008, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph.

(iv)(I) For the tax year beginning October 1, 2009, and each tax year thereafter, the Mayor shall compute the real property tax rate (rounded up to the nearest penny) for Class 1 Properties calculated to yield in the tax year the same amount of taxes estimated to be collected, as certified in the latest revenue estimate, during the preceding tax year, plus the lesser of:

(aa) Seven percent; or

(bb) The percentage increase in the total aggregate assessment of taxable real property for Class 1 Properties.

(II) Before September 16, 2009, and each anniversary thereafter, the Mayor shall submit to the Council the real property tax rate computed under sub-sub-subparagraph (I) of this sub-subparagraph.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, if, for the current tax year, the total aggregate assessment of taxable real property for Class 1 Properties is estimated to decrease, the real property tax rate for Class 1 Properties shall be the real property tax rate for the prior tax year.

(2) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 2 and 3 Properties in the District of Columbia for the tax year beginning October 1, 2006, and each tax year thereafter, shall be:

(A) Repealed.

(B) \$5.00 for each \$100 of assessed value for Class 3 Property.

(b-9)(1) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 2 Properties in the District of Columbia for the tax year beginning October 1, 2008, shall be:

(A) For the first \$3 million of assessed value, \$1.65 of each \$100 of assessed value; and

(B) For the portion of the assessed value exceeding \$3 million, \$1.85 of each \$100 of assessed value.

(2)(A) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 2 Property in the District of Columbia for the tax year beginning October 1, 2009, and each tax year thereafter, shall be:

(i) For the first \$3 million of assessed value, the rate as established in subparagraph (B) of this paragraph; provided, that for the tax year beginning October 1, 2011, the tax rate shall be \$1.65 of each \$100 of assessed value; and

(ii) For the portion of the assessed value exceeding \$3 million, \$1.85 of each \$100 of assessed value.

(B)(i) The Chief Financial Officer shall compute the real property tax rate for the first \$3 million of assessed value for taxable Class 2 Properties in the District of Columbia, for the tax year beginning October 1, 2009, as follows:

(I) The Chief Financial Officer shall subtract \$1,312,793,900 from the estimated real property taxes to be collected for Class 2 Properties based upon a rate of \$1.85 of each \$100 of assessed value.

(II) The Chief Financial Officer shall compute the real property tax rate (rounded up to the nearest penny) for the first \$3 million of assessed value

for taxable Class 2 Properties by taking the amount yielded by sub-sub-paragraph (I) of this sub-subparagraph and, if it is a positive number, applying this amount to reduce the real property tax rate; provided, that the real property tax rate shall not be less than \$.90 of each \$100 of assessed value.

(ii) The Chief Financial Officer shall compute the real property tax rate for the first \$3 million of assessed value for taxable Class 2 Properties in the District of Columbia, for the tax year beginning October 1, 2010, and each tax year thereafter, as follows:

(I) The Chief Financial Officer shall multiply the total amount of taxes received for taxable Class 2 Properties in the District of Columbia for the prior fiscal year by 110%.

(II) The Chief Financial Officer shall subtract the amount yielded by sub-sub-paragraph (I) of this sub-subparagraph from the estimated real property taxes to be collected for Class 2 Properties based upon a rate of \$1.85 of each \$100 of assessed value.

(III) The Chief Financial Officer shall compute the real property tax rate (rounded up to the nearest penny) for the first \$3 million of assessed value for taxable Class 2 Properties by taking the amount yielded by sub-sub-paragraph (II) of this sub-subparagraph and, if it is a positive number, applying this amount to reduce the real property tax rate; provided, that the real property tax rate shall not be less than \$.90 of each \$100 of assessed value.

(iii) Before September 16 of each year, the Chief Financial Officer shall submit to the Council the real property tax rate computed under this subparagraph.

(3) The real property tax rate computed in paragraph (2) of this subsection shall only reduce the real property tax rate. If revenues increase by less than the amount needed to reduce the real property tax rate, the real property tax rate shall be equal to the real property tax rate of the prior fiscal year.

(b-10)(1) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 3 Properties in the District of Columbia for the tax year beginning October 1, 2010, and each tax year thereafter, shall be \$5 for each \$100 of assessed value.

(2) Notwithstanding the provisions of subsection (a) of this section, the sum of the real property tax rates and special real property tax rates for taxable Class 4 Properties in the District of Columbia for the tax year beginning October 1, 2010, and each tax year thereafter, shall be \$ 10 for each \$ 100 of assessed value.

(c) Pursuant to section 9 of the General Obligation Bond Act of 1994, effective May 3, 1994 (D.C. Law 10-116; 41 DCR 1224), the following real property special tax rates are established for taxable real property in the District of Columbia for the real property tax year beginning October 1, 1995, and ending September 30, 1996:

- (1) \$0.5941 for each \$100 of assessed value for Class 1 Property;
- (2) \$0.9531 for each \$100 of assessed value for Class 2 Property;
- (3) \$1.1450 for each \$100 of assessed value for Class 3 Property;
- (4) \$1.3306 for each \$100 of assessed value for Class 4 Property; and

(5) \$3.0945 for each \$100 of assessed value for Class 5 Property.

(c-1) Notwithstanding the provisions of section 413, subsection (c) of this section, or any other law imposing requirements on the enactment of these tax rates, pursuant to section 9 of the General Obligation Bond Act of 1994, effective May 3, 1994 (D.C. Law 10-116; 41 DCR 1224), the following real property special tax rates are established for taxable real property in the District of Columbia for the real property tax year that begins October 1, 1996, and ends September 30, 1997:

- (1) \$0.5664 (for each \$100 of assessed value) for Class One Property;
- (2) \$0.9086 (for each \$100 of assessed value) for Class Two Property;
- (3) \$1.0915 (for each \$100 of assessed value) for Class Three Property;
- (4) \$1.2685 (for each \$100 of assessed value) for Class Four Property; and
- (5) \$2.9500 (for each \$100 of assessed value) for Class Five Property.

(c-2) Pursuant to section 9 of the General Obligation Bond Act of 1996, effective October 1, 1996 (D.C. Law 11-162; 43 DCR 5432), the following real property special tax rates are established for taxable real property in the District of Columbia for the tax year beginning October 1, 1997, and ending September 30, 1998:

- (1) \$0.7200 for each \$100 of assessed value for Class 1 Property;
- (2) \$1.1550 for each \$100 of assessed value for Class 2 Property;
- (3) \$1.3875 for each \$100 of assessed value for Class 3 Property;
- (4) \$1.6125 for each \$100 of assessed value for Class 4 Property; and
- (5) \$3.7500 for each \$100 of assessed value for Class 5 Property.

(d) For purposes of this section, the terms "Class 1 Property", "Class 2 Property", "Class 3 Property", "Class 4 Property", and "Class 5 Property" each has the same meaning as the terms have in § 47-813(c-2)(1), (2), (3), (4), and (5).

(e) The Mayor of the District of Columbia shall issue rules necessary to implement subsections (b) through (d) of this section.

(Sept. 3, 1974, 88 Stat. 1052, Pub. L. 93-407, title IV, § 412; June 15, 1976, D.C. Law 1-70, title III, §§ 302(a), 305, 23 DCR 538, 540; Mar. 3, 1979, D.C. Law 2-130, § 3(a), 25 DCR 2517; Nov. 20, 1979, D.C. Law 3-37, § 2(a), 26 DCR 1564; Mar. 13, 1985, D.C. Law 5-125, § 2, 31 DCR 5180; Nov. 19, 1985, D.C. Law 6-51, § 3(a), 32 DCR 5681; Oct. 1, 1987, D.C. Law 7-28, § 2, 34 DCR 5094; Sept. 29, 1988, D.C. Law 7-161, § 2(a), (b), 35 DCR 5730; Oct. 19, 1989, D.C. Law 8-46, § 2(b), (c), 36 DCR 5783; Sept. 27, 1990, D.C. Law 8-172, § 2(d), 37 DCR 4844; Mar. 7, 1992, D.C. Law 9-62, § 2(b), (c), 38 DCR 7291; Oct. 7, 1992, D.C. Law 9-177, § 2, 39 DCR 5868; Jan. 26, 1994, D.C. Law 10-66, § 2, 40 DCR 7358; June 14, 1994, D.C. Law 10-127, § 5(a), 41 DCR 2050; Sept. 26, 1995, D.C. Law 11-52, § 104(a), 42 DCR 3684; Mar. 5, 1996, D.C. Law 11-98, § 1301, 43 DCR 5; Apr. 26, 1996, 110 Stat. 1321 211, Pub. L. 104-134, § 135(1); Apr. 9, 1997, D.C. Law 11-222, § 2, 44 DCR 108; Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; June 10, 1998, D.C. Law 12-122, § 2(a), 45 DCR 2300; Oct. 20, 1999, D.C. Law 13-38, § 2702(b), 46 DCR 6373; Apr. 12, 2000, D.C. Law 13-91, § 156(b), 47 DCR 520; June 5, 2003, D.C. Law 14-307, § 1303(a), 49 DCR 11664; Oct. 20, 2005, D.C. Law 16-33, §§ 1262(a), 1272, 52 DCR 7503; Mar. 20,

2008, D.C. Law 17-123, § 3(a), 55 DCR 1513; Aug. 15, 2008, D.C. Law 17-216, § 4(a), 55 DCR 7500; Aug. 16, 2008, D.C. Law 17-219, § 7006, 55 DCR 7598; Sept. 24, 2010, D.C. Law 18-223, § 2043(a), 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, § 8102.; Sept. 20, 2012, D.C. Law 19-168, § 7092, 59 DCR 8025.)

Section references. — This section is referenced in § 47-811, § 47-815, § 47-1005.01, and § 47-4640.

Editor's notes.

Section 7092 of D.C. Law 19-168 would have substituted "\$1.55" for "\$1.65" in (b-9)(1)(A) and (b-9)(2)(A)(i); and would have substituted "October 1, 2013" for "October 1, 2011" in (b-9)(2)(A)(i).

Section 7093 of D.C. Law 19-168 provided that § 7092 of the act shall apply upon certification by the Chief Financial Officer that sufficient revenue is available in the June 2012, September 2012, or December 2012 revenue estimates to fund section 1002(a)(1) through (14) of the Revised Revenue Estimate Contingency Priority List Act of 2012 (D.C. Law 19-168). This contingency was not met.

§ 47-821. Assessments — General duties of Mayor; appointment of assessors; submission of information by property owners.

Section references. — This section is referenced in § 47-825.01a and § 47-825.03.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 286(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-825.01. Board of Real Property Assessments and Appeals. [Repealed].

[Repealed].

(Sept. 3, 1974, Pub. L. 93-407, title IV, § 426a, as added Mar. 17, 1993, D.C. Law 9-241, § 2(e), 40 DCR 629; Sept. 30, 1993, D.C. Law 10-25, § 103, 40 DCR 5489; Mar. 23, 1994, D.C. Law 10-98, § 2, 41 DCR 531; June 14, 1994, D.C. Law 10-127, § 5(f), 41 DCR 2050; May 16, 1995, D.C. Law 10-255, § 42, 41 DCR 5193; Mar. 29, 1996, D.C. Law 11-109, § 2, 43 DCR 526; Apr. 18, 1996, D.C. Law 11-110, § 53, 43 DCR 530; Apr. 9, 1997, D.C. Law 11-194, § 2, 43 DCR 4557; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575 1575; May 22, 1997, D.C. Law 11-269, §§ 2(a), (b), 43 DCR 6868; Oct. 23, 1997, D.C. Law 12-40, § 101(e), 44 DCR 4859; Mar. 7, 2000, D.C. Law 13-55, § 2, 46 DCR 8868; Oct. 19, 2000, D.C. Law 13-172, § 2405, 47 DCR 6308; June 9, 2001, D.C. Law 13-305, § 502(r), 48 DCR 334; June 19, 2001, D.C. Law 13-313, § 16(a), 48 DCR 1873; Oct. 3, 2001, D.C. Law 14-28, § 2002(f), 48 DCR 6981; Oct. 26, 2001, D.C. Law 14-42, § 10(d), 48 DCR 7612; Apr. 4, 2003, D.C. Law 14-282, § 11(h), 50 DCR 896; June 5, 2003, D.C. Law 14-307, § 1303(c), 49 DCR 11664; Mar. 13, 2004, D.C. Law 15-105, § 26(c)(3), 51 DCR 881; Dec. 7, 2004, D.C. Law 15-205, § 1162(a), 51 DCR 8441; Apr. 13, 2005, D.C. Law 15-354, § 73(b)(3), 52 DCR 2638; Sept. 19, 2006, D.C. Law 16-159, § 2(b), 53 DCR 5385; Aug. 15, 2008, D.C. Law 17-216, § 4(c), 55 DCR 7500; Aug. 16, 2008, D.C. Law 17-219, § 7015, 55 DCR 7598; Mar. 25, 2009, D.C. Law 17-353, § 121, 56 DCR 1117; April 8, 2011, D.C. Law 18-363, § 2(b)(2), 58 DCR 963.)

Section references. — This section is referenced in § 47-820, § 47-824, § 47-825.01a, § 47-825.02, § 47-825.03, § 47-831, § 47-845.01, § 47-893, and § 47-1005.01.

Legislative history of Law 18-363. — Law 18-363, the “Real Property Tax Appeals Commission Establishment Act of 2010”, was introduced in Council and assigned Bill No. 18-530, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 28, 2011, it was assigned Act No. 18-714 and transmitted to both Houses of Congress for its review. D.C. Law 18-363 became effective on April 8, 2011.

Editor’s notes. — D.C. Law 18-363, which took effect on April 8, 2011, included a repeal of

this section. D.C. Act 19-33, which went into effect on March 15, 2011, and D.C. Acts 19-76, 19-169, 19-256, and D.C. Laws 19-9, 19-75, and D.C. Law 19-155 delayed the applicability of D.C. Law 18-363 until August 24, 2012.

On August 24, 2012, the repeal of this section went into effect pursuant to D.C. Law 18-363, § 2(b), D.C. Law 19-155, § 4, D.C. Resolutions 19-479 and 19-488, effective July 10, 2012 (59 DCR 9169 and 59 DCR 9178, respectively), and Mayor’s Order 2012-135, dated August 24, 2012. Accordingly, this section was repealed as of August 24, 2012.

Section 114(a) of D.C. Law 19-171, effective September 26, 2012, purported to amend this section; however, the section was, and remains, repealed.

§ 47-828. Violations of assessment provisions.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-850.02. Residential property tax relief — One-time filing, notification of change in eligibility, liability for tax, audit.

Section references. — This section is referenced in § 47-405 and § 47-3504.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 286(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III. Miscellaneous.

§ 47-861. Violations.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(g) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-863. Reduced tax liability for property owners over age 65 and for property owners with disabilities; rules.

Section references. — This section is referenced in § 47-405, § 47-845.02, § 47-845.03, § 47-1803.02, and § 47-1806.09a.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 286(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 9. TRANSFER TAX ON REAL PROPERTY.

§ 47-902. Enumeration of transfers exempt from tax.

Section references. — This section is referenced in § 2-1217.31, § 2-1217.32, § 42-1102, § 47-903, § 47-1002, § 47-2005, § 47-3503, § 47-3505, and § 47-3506.01.

Emergency legislation.

For temporary tax exemption for the transfer of Lot 20 in Square 532, located at 441 4th

Street, N.W., to the District of Columbia, see § 2 of the Transfer of Real Property Located at 441 4th Street, N.W., to the District of Columbia Transfer Tax Exemption Emergency Act of 2013 (D.C. Act 20-58, April 23, 2013, 60 DCR 6396).

CHAPTER 10. PROPERTY EXEMPT FROM TAXATION.

§ 47-1086. United House of Prayer for All People — kitchen or feeding facilities.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the United House of Prayer for All People Real Property Tax Exemption

Technical Congressional Review Emergency Act of 2013 (D.C. Act 20-57, April 23, 2013, 60 DCR 6394, 20 DCSTAT 1406).

§ 47-1088. Meridian Public Charter School — Harrison Campus Property; Lot 814, Square 235.

Temporary legislation. — For temporary (225 days) addition of § 47-1089, concerning the YMCA Community Investment Initiative, Lot 2010, Square 234, see § 2 of the YMCA Community Investment Initiative Real Property Tax Exemption Temporary Act of 2013 (D.C. Law 20-23, October 3, 2013, 60 DCR 10884).

Emergency legislation.

For temporary (90 days) addition of § 47-1089, concerning the YMCA Community In-

vestment Initiative, Lot 2010, Square 234, see § 2 of the YMCA Community Investment Initiative Real Property Tax Exemption Emergency Act of 2013 (D.C. Act 20-88, June 19, 2013, 60 DCR 9546, 20 DCSTAT 1449).

For temporary (90 days) addition of § 47-1089, see §§ 2 and 3 of the YMCA Community Investment Initiative Real Property Tax Exemption Congressional Review Emergency Act of 2013, (D.C. Act 20-178, October 4, 2013, 60 DCR 14944).

CHAPTER 13A. REVISED REAL PROPERTY TAX SALES.

Subchapter I. General Provisions.

§ 47-1331. Tax is lien on real property; priority; application of payment; lien for deferred tax.

Section references. — This section is referenced in § 47-1353.

Temporary legislation. — For temporary (225 days) addition of provisions requiring the Office of the Chief Financial Officer to review all residential real property tax liens sold be-

tween September 1, 2003, and September 1, 2013, see § 2 of the Tax Lien Compensation and Relief Reporting Temporary Act of 2013 (D.C. Law 20-54, December 13, 2013, 60 DCR 15161).

Emergency legislation. — For temporary

(90 days) addition of provisions requiring the Office of the Chief Financial Officer to review all residential real property tax liens sold between September 1, 2003, and September 1,

2013, see § 2 of the Tax Lien Compensation and Relief Reporting Emergency Act of 2013 (D.C. Act 20-176, October 4, 2013, 60 DCR 14940).

§ 47-1332. Sale by Mayor of all properties.

Section references. — This section is referenced in § 47-1340.

Temporary Addition of Section.

For temporary (225 days) amendment of this section, see § 2(a) of the District Real Property Tax Sale Temporary Act of 2013 (D.C. Law 20-55, December 13, 2013, 60 DCR 15163).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(a) of the District Real Property Tax Sale Emergency Act of 2013 (D.C. Act 20-179, October 4, 2013, 60 DCR 14947).

Subchapter II. Sale.

§ 47-1347. Payment of purchase price at tax sale.

Temporary Addition of Section.

For temporary (225 days) addition of § 47-1347.01, concerning reimbursement to prior owner, see § 2(b) of the District Real Property Tax Sale Temporary Act of 2013 (D.C. Law 20-55, December 13, 2013, 60 DCR 15163).

Emergency legislation.

For temporary (90 days) addition of § 47-1347.01, concerning reimbursement to prior owner, see § 2(b) of the District Real Property Tax Sale Emergency Act of 2013 (D.C. Act 20-179, October 4, 2013, 60 DCR 14947).

Subchapter IV. Foreclosure.

§ 47-1371. Parties.

Section references. — This section is referenced in § 47-1372, § 47-1373, § 47-1375, and § 47-1382.

CASE NOTES

Applied in EMC Mortg. Corp. v. Patton, 64 A.3d 182, 2013 D.C. App. LEXIS 152 (2013).

§ 47-1377. Purchaser reimbursed by redeeming party for expenses.

Section references. — This section is referenced in § 47-1336, § 47-1361, and § 47-1380.

Temporary Addition of Section.

For temporary (225 days) amendment of this section, see § 2(c) of the District Real Property Tax Sale Temporary Act of 2013 (D.C. Law 20-55, December 13, 2013, 60 DCR 15163).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(c) of the District Real Property Tax Sale Emergency Act of 2013 (D.C. Act 20-179, October 4, 2013, 60 DCR 14947).

CHAPTER 14. TAXATION OF RECORDATION AND TRANSFERS OF REAL PROPERTY.

Subchapter III. Compulsory Recordation of Transfers of Real Property.

§ 47-1431. In general.

Section references. — This section is referenced in § 42-1103, § 47-813, § 47-845.03, § 47-850.02, § 47-863, § 47-903, § 47-1401, § 47-1432, and § 47-1433.

CASE NOTES

No private right of action.

Borrower's claims under D.C. Code § 47-1431(a) failed because she failed to show that it

authorized a private right of action. *Koker v. Aurora Loan Servicing*, — F. Supp. 2d —, 2013 U.S. Dist. LEXIS 497 (D.D.C. Jan. 3, 2013).

CHAPTER 18. INCOME AND FRANCHISE TAXES.

Subchapter V. Returns.

§ 47-1805.01. Returns — Forms.

Section references. — This section is referenced in § 47-1805.03, § 47-1805.04, § 47-1812.08, § 47-4212, and § 47-4432.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

§ 47-1805.04. Returns — Divulgence of information.

Section references. — This section is referenced in § 47-820.01, § 47-903, and § 47-1812.08.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 286(h) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

*Subchapter VIII. Tax on Unincorporated Businesses.***§ 47-1808.06a. Taxation of limited liability companies.**

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

*Subchapter X. Purpose of Chapter and Allocation and Apportionment.***§ 47-1810.01. Purpose of chapter.**

Section references. — This section is referenced in § 47-1803.03, § 47-1805.02, § 47-1807.01, § 47-1808.02, and § 47-1810.02.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

§ 47-1810.02. Allocation and apportionment of District and non-District income.

Section references. — This section is referenced in § 47-1803.03 and § 47-1805.02a.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

*Subchapter XII. Assessment and Collection; Time of Payment.***§ 47-1812.01. General duties of Mayor.**

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

§ 47-1812.02. Records and statements.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

§ 47-1812.04. Duty of Mayor to make return.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

§ 47-1812.05. Determination of deficiency; protest by taxpayer; hearing; determination of taxable income; effect thereof.

Section references. — This section is referenced in § 47-1806.06, § 47-1806.09c, § 47-1812.07, and § 47-1815.01.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

CHAPTER 20. GROSS SALES TAX.

§ 47-2002. Imposition of tax.

Section references. — This section is referenced in § 9-1111.15, § 34-1803.02, § 38-821.02, § 47-2002.01, § 47-2002.02, § 47-2002.03, § 47-2002.05, § 47-2002.06, § 47-2002.07, § 47-2205, § 47-2402, § 47-2402.01, § 47-4603, § 47-4605, § 47-4607, § 47-4608, § 47-4622, § 47-4634, and § 50-2201.03.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 3(a) of the Omnibus Alcoholic Beverage Regulation Congressional Review Emergency Act of 2013 (D.C. Act 20-52, April 22, 2013, 60 DCR 6372, 20 DCSTAT 1388).

§ 47-2005. Exemptions.

Section references. — This section is referenced in § 2-1217.31, § 2-1217.32, § 42-1102, § 47-902, § 47-1002, § 47-2006, § 47-2007, § 47-2010, § 47-2321, § 47-2322, and § 47-3802.

Temporary Amendment of Section.

For temporary (225 days) amendment of section, see § 5 of the Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013 (D.C. Law 20-56, December 13, 2013, 60 DCR 15165).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Processing Sales Tax Clarifying CRE of 2013 (D.C. Act 20-6, January 31, 2013, 60 DCR 2807, 20 DCSTAT 455).

For temporary (90 days) amendment of this section, see § 5 of the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 (D.C. Act 20-180, October 4, 2013, 60 DCR 14949).

§ 47-2014. Assumption or refund of tax by vendor unlawful; penalties.

Section references. — This section is referenced in § 47-2209.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 286(i) of the Criminal Fine Proportionality
Emergency Act of 2013 (D.C. Act 20-45, April 1,
2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2018. Secrecy of returns; reciprocity.

Section references. — This section is referenced in § 47-2210.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 286(j) of the Criminal Fine Proportionality
Emergency Act of 2013 (D.C. Act 20-45, April 1,
2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 21. CLOSING-OUT SALES.

§ 47-2106. Penalty for conducting false “closing-out sales” and for violation of this chapter; prosecutions.

Emergency legislation. — For temporary (90 days) amendment of this section, see
§ 286(k) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1,
2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 24. CIGARETTE TAX.

§ 47-2406. Offenses relating to stamps.

Section references. — This section is referenced in § 47-2409.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 286(l) of the Criminal Fine Proportionality
Emergency Act of 2013 (D.C. Act 20-45, April 1,
2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2408. Records; reports; returns.

Emergency legislation. — For temporary (90 days) amendment of this section, see
§ 286(m) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1,
2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2409. Seizure and forfeiture of property.

Section references. — This section is referenced in § 1-636.02, § 7-1803.06, § 47-2405,
and § 47-2423.

Emergency legislation. — For temporary

(90 days) amendment of this section, see
§ 286(n) of the Criminal Fine Proportionality
Emergency Act of 2013 (D.C. Act 20-45, April 1,
2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2421. Criminal penalties.

Emergency legislation.
For temporary (90 days) amendment of this
section, see § 286(o) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act
20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT
1300).

CHAPTER 27. PERMITS AND FEES.

Subchapter I. Public Auction Permits.

§ 47-2707. Prosecutions.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(p) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 28. GENERAL LICENSE LAW.

Subchapter I. Specific Licensing Provisions

Sec.

47-2837. Secondhand dealers; classification; licensing; stolen property.

47-2844. Regulations; suspension or revoca-

tion of licenses; bonding of licensees authorized to collect moneys; exemptions.

Subchapter IV. Other Licenses

Subchapter I. Specific Licensing Provisions.

§ 47-2808. Auctioneers; temporary licenses; penalty for failure to account.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 286(q) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2811. Massage establishments; Turkish, Russian, or medicated baths.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 511 of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 47-2829. Vehicles for hire; identification tags on vehicles; vehicles for school children; ambulances, private vehicles for funeral purposes; issuance of licenses; payment of fees.

Section references. — This section is referenced in § 7-1703, § 34-912, § 47-2313, § 47-2853.04, § 50-320, § 50-331, § 50-1401.01, and § 50-1501.03.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2 of the Public Vehicle-For-Hire Educational Services Congressional Review Emergency Act of 2013 (D.C. Act 20-16, February 22, 2013, 60 DCR 3968, 20 DCSTAT 471).

§ 47-2837. Secondhand dealers; classification; licensing; stolen property.

(a) The Council of the District of Columbia is authorized and empowered to classify dealers in secondhand personal property (referred to in this section as “dealers”) and the Mayor of the District of Columbia is authorized and empowered to fix and collect a license fee for each such class of dealer, which fee, in the judgment of the Mayor, will be commensurate with the cost to the District of Columbia of inspection, supervision, and regulation of such class of dealer.

(b) In classifying dealers the Council may take into consideration the kind of property dealt in, whether the property is retained by the dealer for sale at retail, whether the property is disposed of by the dealer out of the District of Columbia, whether the property is disposed of by the dealer as junk or otherwise, and such other criteria as the Council may deem appropriate.

(c) Any person engaging in the business of buying, selling, trading, exchanging, or dealing in secondhand personal property of any description, including the return of unused portion of any ticket, order, or token purporting to evidence the right of the holder or possessor thereof to be transported by any railroad or other common carrier, however operated, from one state or territory of the United States, or from the District of Columbia, to any other state or territory of the United States or to the District of Columbia, shall be regarded as a dealer, and shall obtain the appropriate license and pay the fee therefor fixed by the Mayor. For the purposes of this section, the term “secondhand personal property” shall not include any item of personal property:

(1) Which the possessor thereof has acquired as part payment or allowance on the sale by such possessor of a new or rebuilt item of personal property;

(2) Which the possessor thereof has acquired by reason of its return to him for credit, refund, or exchange by a person having purchased such item from such possessor; or

(3) Which is offered for sale, trade, or exchange by the person who repossesses the same.

(d) [Repealed].

(e) Any license issued pursuant to this section for Class A and Class C shall be issued as an Inspected Sales and Services endorsement to a basic business license under the basic business license system as set forth in subchapter I-A of this chapter. Any other license issued pursuant to this section shall be issued as a General Sales endorsement to a basic business license.

(July 1, 1902, 32 Stat. 627, ch. 1352, § 7, par. 39; July 1, 1932, 47 Stat. 558, ch. 366; July 3, 1956, 70 Stat. 491, ch. 511, § 1; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 20, 1999, D.C. Law 12-261, § 2003(pp)(33), 46 DCR 3142; Oct. 28, 2003, D.C. Law 15-38, § 3(hh)(4)(V), 50 DCR 6913; Dec. 13, 2013, D.C. Law 20-50, § 2(a), 60 DCR 15151.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-50 repealed (d), which read: “When any property has been stolen and sold in the District of

Columbia to a dealer under such circumstances that the Mayor of the District of Columbia, after such dealer has been afforded a hearing, is satisfied that such dealer had cause to be-

lieve, or could have ascertained by reasonable inquiry or investigation that the property was stolen, and that the dealer did not make reasonable inquiry or investigation as to the title of the seller before making the purchase, the Mayor is authorized and directed to revoke the license of such dealer; and this action shall not be a bar to criminal prosecution for receiving stolen goods; provided, that nothing in this subsection shall be construed as prohibiting the Mayor from suspending or revoking the license of such dealer under the authority contained in § 47-2844.”

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(a) of the Personal Property Robbery Prevention Emergency Act of 2013

(D.C. Act 20-142, July 31, 2013, 60 DCR 11796, 20 DCSTAT 1987).

For temporary (90 days) amendment of this section, see § 2(a) of the Personal Property Robbery Prevention Second Emergency Amendment Act of 2013 (D.C. Act 20-199, October 17, 2013, 60 DCR 15330).

Legislative history of Law 20-50. — Law 20-50, the “Personal Property Robbery Prevention Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-143. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-189 and transmitted to Congress for its review. D.C. Law 20-50 became effective on December 13, 2013.

§ 47-2839.01. **Security agencies.**

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(r) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2844. **Regulations; suspension or revocation of licenses; bonding of licensees authorized to collect moneys; exemptions.**

(a) The Council of the District of Columbia and Mayor are further authorized and empowered to make any regulations that may be necessary in furtherance of the purpose of this chapter and the Mayor is further authorized and empowered to suspend or revoke any license issued hereunder when, in his judgment, such is deemed desirable in the interest of public decency or the protection of lives, limbs, health, comfort, and quiet of the citizens of the District of Columbia, or for any other reason he may deem sufficient.

(a-1)(1) In accordance with § 2-509, the Mayor shall revoke the license of any licensee who knowingly has permitted on the licensed premises:

(A) The illegal sale, negotiation for sale, or use of any controlled substance as that term is defined in Chapter 9 of Title 48, or the Controlled Substances Act of 1970, approved October 27, 1970 (84 Stat. 1243; 21 U.S.C. § 801 et seq.);

(B) The possession, sale, or negotiation for sale of drug paraphernalia in violation of Chapter 11 of Title 48; or

(C) An act of prostitution as defined in [§ 22-2701.01(1)], or any act that violates any provision of [§§ 22-2701 through 22-2712 and 22-2718 through 22-2723].

(2) The Mayor, by rule, shall establish costs and fines to cover revocation of any license revoked pursuant to paragraph (1) of this subsection.

(a-2)(1) In addition to the provisions of subsection (a-1) of this section, the Mayor, notwithstanding § 2-1801.04(a)(1)), may take the following actions against any licensee, or agent or employee of a licensee, that, with or without the appropriate license required under this chapter, engages in the purchase,

sale, exchange, or any other form of commercial transaction involving used goods or merchandise that are knowingly stolen:

(A) The Mayor, for the first violation of this subsection:

(i) Shall issue a fine in the amount of \$2,500; and

(ii) May seal the licensee's premises for up to 96 hours without a prior hearing.

(B) The Mayor, for the second violation of this subsection:

(i) Shall issue a fine in the amount of \$5,000;

(ii) May seal the licensee's premises for up to 96 hours without a prior hearing; and

(iii)(I) Shall, within 30 days of the issuance of a fine, require the licensee to submit a remediation plan approved by the Mayor, in consultation with the Chief of Police, that contains the licensee's plan to prevent any future recurrence of purchasing, selling, exchanging, or otherwise transacting stolen goods and acknowledgement that a subsequent occurrence of engaging in prohibited activities may result in the revocation of all licenses issued to the licensee pursuant to this chapter.

(II) If the licensee fails to submit a remediation plan in accordance with this sub-subparagraph, or if the Mayor rejects the licensee's remediation plan, the Mayor shall provide written notice to the licensee of the Mayor's intent to suspend all licenses issued to the licensee pursuant to this chapter for an additional 30 days.

(C) The Mayor, for the third violation of this subsection:

(i) Shall issue a fine in the amount of \$10,000;

(ii) May seal the licensee's premises for up to 96 hours without a prior hearing; and

(iii) Shall provide written notice to the licensee of the Mayor's intent to permanently revoke all licenses issued to the licensee pursuant to this chapter.

(2)(A) A violation of this subsection shall be a civil infraction for purposes of Chapter 18 of Title 2. Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this subsection, or the rules issued under authority of this subsection, pursuant to Chapter 18 of Title 2.

(B) Adjudication of any infraction of this subsection shall be pursuant to Chapter 18 of Title 2.

(C) Summary action taken pursuant to this subsection shall be pursuant to subchapter 1 of Chapter 18 of Title 2.

(3) In addition to other remedies provided by law, the Office of the Attorney General for the District of Columbia may commence an action in the Civil Branch of the Superior Court of the District of Columbia to compel compliance, abate, enjoin, or prevent violations of this subsection. Plaintiff need not prove irreparable injury or harm to obtain a preliminary or temporary injunction.

(a-3)(1) The term "knowingly" includes:

(A) For the purposes of subsections (a-1) and (a-2) of this section, actual notice of a specific violation set forth in subsection (a-1) or (a-2) of this section to the licensee, or agent or employee of the licensee, issued by a District agency

notifying the licensee, or agent or employee of the licensee, of the same or similar violation occurring on the licensee's premises; or

(B) For the purposes of subsection (a-2) of this section, constructive notice to the licensee, or agent or employee of the licensee, resulting from the failure of the licensee, or agent or employee of the licensee, to ascertain the ownership of the used goods or merchandise.

(2) For the purposes of this subsection, actual or constructive notice to the agent or employee of the licensee constitutes notice to the licensee.

(b) Notwithstanding any of the provisions of this chapter requiring an inspection as a prerequisite to the issuance of a license, the Mayor is authorized to provide by regulation that any such inspection shall be made either prior or subsequent to the issuance of a license, but any such license, whether issued prior or subsequent to a required inspection, may be suspended or revoked for failure of the licensee to comply with the laws or regulations applicable to the licensed business, trade, profession, or calling.

(c)(1) The Council may in its discretion require that any class or subclass of licensees licensed under the authority of this chapter to engage in a business, trade, profession or calling involving an express or implied agreement to collect money for others shall give bond to safeguard against financial loss those persons with whom such class or subclass of licensees may so agree.

(2) The bond which may be required by the Council under the authority of this subsection shall be a corporate surety bond in an amount to be fixed by the Council, but not to exceed \$15,000, conditioned upon the observance by the licensee and any agent or employee of said licensee of all laws and regulations in force in the District of Columbia applicable to the licensee's conduct of the business, trade, profession, or calling licensed under the authority of this chapter, for the benefit of any person who may suffer damages resulting from the violation of any such law or regulation by or on the part of such licensee, his agent, or employee.

(3) Any person aggrieved by the violation of any law or regulation applicable to a licensee's conduct of a business, trade, profession, or calling involving the collection of money for others shall have, in addition to his right of action against such licensee, a right to bring suit against the surety on the bond authorized by this subsection, either alone or jointly with the principal thereon, and to recover in an amount not exceeding the penalty of the bond any damages sustained by reason of any act, transaction, or conduct of the licensee and any agent or employee of said licensee which is in violation of law or regulation in force in the District of Columbia relating to the business, trade, profession, or calling licensed under this chapter; and the provisions of the 2nd, 3rd (except the last sentence thereof), and 5th paragraphs of subsection (b) of § 1-301.01 shall be applicable to such bond as if it were the bond authorized by the first paragraph of such subsection (b) of § 1-301.01; provided, that nothing in this subsection shall be construed to impose upon the surety on any such bond a greater liability than the total amount thereof or the amount remaining unextinguished after any prior recovery or recoveries.

(4) This subsection shall not be applicable to persons when engaged in the regular course of any of the following professions or businesses:

- (A) Attorneys-at-law;
- (B) Persons regularly employed on a regular wage or salary, in the capacity of creditment or in a similar capacity, except as an independent contractor;
- (C) Banks and financing and lending institutions;
- (D) Common carriers;
- (E) Title insurers and abstract companies while doing an escrow business;
- (F) Licensed real estate brokers; or
- (G) Employees of any class or subclass of licensees required to give bond under this subsection.

(July 1, 1902, 32 Stat. 628, ch. 1352, § 7, par. 46; July 1, 1932, 47 Stat. 563, ch. 366; July 3, 1956, 70 Stat. 491, ch. 511, § 2; Sept. 1, 1959, 73 Stat. 447, Pub. L. 86-217, § 1; Apr. 22, 1960, 74 Stat. 72, Pub. L. 86-431, § 4; Apr. 30, 1988, D.C. Law 7-104, § 43(e), 35 DCR 147; Mar. 8, 1991, D.C. Law 8-231, § 2, 38 DCR 257; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575; Apr. 4, 2006, D.C. Law 16-81, § 5(b), 53 DCR 1050; Dec. 13, 2013, D.C. Law 20-50, § 2(b), 60 DCR 15151.)

Effect of amendments.

The 2013 amendment by D.C. Law 20-50 substituted "The Council of the District of Columbia and Mayor are" for "The Council of the District of Columbia is" in (a); added (a-2) and (a-3); and substituted "the Mayor" for "the Council" in (b).

Emergency legislation. — For temporary (90 days) amendment of this section, see § 2(b) of the Personal Property Robbery Prevention

Emergency Act of 2013 (D.C. Act 20-142, July 31, 2013, 60 DCR 11796, 20 DCSTAT 1987).

For temporary (90 days) amendment of this section, see § 2(b) of the Personal Property Robbery Prevention Second Emergency Amendment Act of 2013 (D.C. Act 20-199, October 17, 2013, 60 DCR 15330).

Legislative history of Law 20-50. — See note to § 47-2827.

§ 47-2846. Penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 286(s) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-2850. Rules governing the business of furnishing towing services for motor vehicles.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 286(t) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter I-B. Non-Health Related Occupations and Professions Licensure.

§ 47-2853.27. Fines and penalties; criminal violations.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 112(f) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1,

2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter IV. Other Licenses.

PART A.

HOME IMPROVEMENT BUSINESSES.

§ 47-2883.04. Penalty.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(u) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

PART B.

PAWNBROKERS.

§ 47-2884.16. Penalties for violation of part; loan declared void; pledge returned.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(v) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

PART C.

PHARMACY.

§ 47-2885.20. Penalties; prosecutions; injunction.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(w) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

PART D.

PROFESSIONAL ENGINEERS.

§ 47-2886.14. Unlawful acts.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(x) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

PART E.

ATHLETE AGENTS.

§ 47-2887.14. Criminal penalties; prosecution by Attorney General.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(y) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 34. MISCELLANEOUS PROVISIONS.**§ 47-3409. Divulging information obtained from Internal Revenue Service prohibited; penalties.**

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(z) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 37. INHERITANCE AND ESTATE TAXES.**§ 47-3719. Secrecy of returns.**

Emergency legislation. — For temporary (90 days) amendment of this section, see §§ 286(aa) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 41. CRIMINAL PROVISIONS.**§ 47-4101. Attempt to evade or defeat tax.**

Emergency legislation. — For temporary (90 days) amendment of this section, see §§ 111(c)(1) and 286(bb) of the Criminal Fine

Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4102. Failure to collect or pay over tax.

Emergency legislation. — For temporary (90 days) amendment of this section, see §§ 111(c)(2) and 286(cc) of the Criminal Fine

Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4103. Failure to pay tax, make return, keep records, or supply information.

Emergency legislation. — For temporary (90 days) amendment of this section, see §§ 113(d)(1) and 286(dd) of the Criminal Fine Proportionality Emergency Amendment Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4104. Fraudulent statements or failure to make statements to employee.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(ee) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4105. Fraudulent withholding information or failure to supply information to employer.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(ff) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4106. Fraud and false statements.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 113(d)(2) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4107. Attempt to interfere with administration of District of Columbia revenue laws.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 286(gg) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§
CHAPTER 43. ADMINISTRATION.

Subchapter I. Limitations.

§ 47-4301. Periods of limitation.

Section references. — This section is referenced in § 47-2408, § 47-2753, and § 47-4303.

CASE NOTES

Compliance.

Taxpayer, which was a limited liability com-

pany, was rightly afforded the protection of the default three-year statute of limitation under

D.C. Code § 47-4301(a) because the taxpayer did not fail to file a return under D.C. Code § 47-4301(d)(1)(C), in that the taxpayer, while making a good faith effort to comply with the District of Columbia's business franchise tax laws, filed the wrong form for the right tax, accurately reported its gross income, deductions, and ordinary income, and identified its corporate parent, which also filed taxes in the District and which the taxpayer asserted paid the tax for the taxpayer's income. The sole

information which the taxpayer failed to provide — because it mistakenly believed it could pass through its income to its parent company — was an apportionment factor which would have only reduced the amount of the taxpayer's taxable income and could properly have been characterized as a necessary supplement or amendment to the original form. D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

Subchapter II. Summons Authority; Records; Protests.

§ 47-4312. Protest of assessment.

Section references. — This section is referenced in § 2-1831.03, § 47-1528, § 47-1812.05, § 47-2019, § 47-2316, § 47-2410,

§ 47-2413, § 47-3717, § 47-3908, § 47-4217, § 47-4303, § 47-4433, § 47-4451, and § 47-4491.

CASE NOTES

Applied in D.C. Office of Tax & Revenue v. Sunbelt Bev., LLC, 64 A.3d 138, 2013 D.C. App. LEXIS 150 (2013).

CHAPTER 44. COLLECTIONS.

Subchapter I. General Provisions.

§ 47-4405. Collections through third party contractors.

Section references. — This section is referenced in § 47-4407.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 286(hh) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 47-4406. Secrecy of returns.

Section references. — This section is referenced in § 47-903.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 286(ii) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 46. SPECIAL TAX INCENTIVES.

§ 47-4645. [Reserved].

Emergency legislation.

For temporary (90 days) addition of this

section, see § 2(b) of the Parkside Parcel E and J Mixed-Income Apartments Tax Abatement

Congressional Review Emergency Act of 2013 (D.C. Act 20-15, March 1, 2013, 60 DCR 3966, 20 DCSTAT 469).

§ 47-4654. Beulah Baptist Church, Dix Street Corridor Senior Housing LP, et al. equitable tax relief.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2 of the Beulah Baptist Church Real Property Equitable Tax Relief Congressio-

nal Review Emergency Act of 2013 (D.C. Act 20-56, April 23, 2013, 60 DCR 6392, 20 DCSTAT 1405).

§ 47-4659. The Israel Senior Residences, Lot 60, Square 3848. [Not funded].

Emergency legislation. — For temporary (90 days) addition of § 47-4660, concerning the Spring Place development project, see § 2 of the Spring Place Real Property Limited Tax

Abatement Assistance Emergency Act of 2013 (D.C. Act 20-151, August 6, 2013, 60 DCR 12140, 20 DCSTAT 2003).

CHAPTER 47. EXEMPTIONS AND ABATEMENTS APPROVAL REQUIREMENTS.

§ 47-4701. Exemptions and abatements approval requirements.

Section references. — This section is referenced in § 47-4703.

Temporary legislation. — For temporary (225 days) amendment of section, see § 3 of the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 (D.C. Law 20-56, December 13, 2013, 60 DCR 15165).

Emergency legislation. — For temporary (90 day) amendment of this section, see §§ 2(b), 3(b), and 6 of the Fiscal Year 2014 Budget Support Technical Clarification Emergency Amendment Act of 2013 (D.C. Act 20-180, October 4, 2013, 60 DCR 14949).

TITLE 48. FOODS AND DRUGS.

SUBTITLE I. FOOD.

CHAPTER 1. ADULTERATION.

§ 48-109. Prosecutions; violations.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 251 of the Criminal Fine Propor-

tionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE II. PRESCRIPTION DRUGS.

CHAPTER 7. DRUG MANUFACTURE AND DISTRIBUTION LICENSURE.

§ 48-711. Criminal action.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 113(g) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE III. ILLEGAL DRUGS.

CHAPTER 9. CONTROLLED SUBSTANCES.

Unit A. Controlled Substances Act.

Subchapter II. Standards and Schedules.

§ 48-902.01. Administration.

Section references. — This section is referenced in § 22-2603.01, § 48-901.02, § 48-902.04, § 48-902.06, § 48-902.08, § 48-902.10, and § 48-902.12.

Emergency legislation.

For temporary (90 days) amendment of (d),

see § 301(a) of the Omnibus Criminal Code Amendments Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 48-902.04. Schedule I enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-901.02, § 48-902.01, § 48-902.02, § 48-1004, and § 50-2206.13.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 301(b) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 48-902.06. Schedule II enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-901.02, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 301(c) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 48-902.08. Schedule III enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 301(d) of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 48-902.10. Schedule IV enumerated.

Section references. — This section is referenced in § 7-3002, § 44-1201, § 48-902.01, § 48-902.02, and § 48-1004.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 301(e) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Subchapter IV. Offenses and Penalties.

§ 48-904.01. Prohibited acts A; penalties.

Section references. — This section is referenced in § 7-403, § 23-546, § 24-112, § 24-221.06, § 24-906, § 48-904.06, § 48-904.07, § 48-904.07a, and § 48-905.02.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 252(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CASE NOTES

ANALYSIS

Search and seizure.

Enhancement.

Search and seizure.

Appellant's conviction under § 48-904.01(a)(2)(B) was affirmed where the trial court had properly denied appellant's motion to suppress the drugs and money found in the apartment into which he and his partner fled on seeing the police approach under the hot pursuit doctrine. *Magruder v. United States*, 62 A.3d 720, 2013 D.C. App. LEXIS 67 (2013).

Enhancement.

Appellate court rejected appellant's conten-

tion that the Apprendi rule required that the jury, not the judge, decide whether he had a prior conviction where nothing in the language of § 48-904.01(a)(2)(B) implied that a prior conviction was an element of his current crimes, nor did the case law adopted in the years since adoption of the Apprendi rule imply any retreat from the sui generis treatment of the fact of a prior conviction. *Magruder v. United States*, 62 A.3d 720, 2013 D.C. App. LEXIS 67 (2013).

Applied in *White v. United States*, 68 A.3d 271, 2013 D.C. App. LEXIS 376 (2013).

§ 48-904.02. Prohibited acts B; penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 252(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 48-904.03. Prohibited acts C; penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(c) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 48-904.03a. Prohibited acts D; penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(f) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 48-904.07. Enlistment of minors to distribute.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 252(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 48-904.08. Second or subsequent offenses.

Section references. — This section is referenced in § 48-904.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 301(f) of the Omnibus Criminal Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 48-904.10. Possession of drug paraphernalia.

Section references. — This section is referenced in § 7-403 and § 48-1103.01.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 252(e) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Unit B. General.

Subchapter VIII. Searches Involving Controlled Substances.

§ 48-921.02. Search warrants; issuance, execution and return; property inventory; filing of proceedings; interference with service.

Emergency legislation.

For temporary (90 days) amendment of this section, see the second § 252 of the Criminal

Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 10. DRUG FREE ZONES.

§ 48-1005. Penalties.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 253 of the Criminal Fine Propor-

tionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 11: DRUG PARAPHERNALIA.

Subchapter I. General.

§ 48-1103. Prohibited acts.

Section references. — This section is referenced in § 7-403, § 48-1102, § 48-1103.01, and § 48-1104.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 254 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

**TITLE 50. MOTOR AND NON-MOTOR
VEHICLES AND TRAFFIC.**

SUBTITLE IV. MOTORIZED VEHICLE REGISTRATION, INSPECTION,
LICENSING.

Chapter

14. Operators' Permits and Identification Cards.

SUBTITLE VI. SAFETY.

20. Senior Citizen Motor Vehicle Accident Prevention Course Certification.

SUBTITLE VII. TRAFFIC.

22. Regulation of Traffic.

SUBTITLE I. COMMERCIAL AND GOVERNMENT
VEHICLES.

CHAPTER 3. REGULATION OF TAXICABS.

Subchapter I. General.

§ 50-306. District of Columbia Taxicab Commission — Organization.

Emergency legislation.

For temporary (90 days) addition of D.C. Law 6-97, § 7a, concerning industry panel review of modernization regulations, see § 3(a) of the

Livery Class Regulation and Ride-Sharing Emergency Amendment Act of 2013 (D.C. Act 20-169, September 27, 2013, 60 DCR 14736).

§ 50-313. Regulation of passenger vehicles for hire.

Emergency legislation.

For addition (90 days) addition of D.C. Law 6-97, § 14a, concerning interim requirements for ride-sharing services, see § 3(b) of the Liv-

ery Class Regulation and Ride-Sharing Emergency Amendment Act of 2013 (D.C. Act 20-169, September 27, 2013, 60 DCR 14736).

§ 50-329.05. Fleeing from a public vehicle inspection officer in a public vehicle-for-hire.

Emergency legislation.

For temporary (90 days) addition of this section, see § 402 of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

Subchapter III. Payment of Taxicab Charge.

§ 50-351. Payment of taxicab charge.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 261 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter IV. Loitering By Taxicabs.

§ 50-371. Loitering of public cabs.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 262 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 4. UNIFORM CLASSIFICATION AND COMMERCIAL DRIVER'S LICENSE.

§ 50-405. Penalties.

Section references. — This section is referenced in § 16-801.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 263

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE II. CONSUMER PROTECTION.

CHAPTER 6. INSTALLMENT SALES OF MOTOR VEHICLES.

§ 50-607. Penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 264 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE IV. MOTORIZED VEHICLE REGISTRATION, INSPECTION, LICENSING.

CHAPTER 9A. DEPARTMENT OF TRANSPORTATION.

Subchapter I. General.

§ 50-921.02. Director.

Section references. — This section is referenced in § 50-921.13.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 2(a) of the DDOT Accessible Vehicles Fund Congressional Review Emergency Act of 2013 (D.C. Act 20-7, January 31, 2013, 60 DCR 2809, 20 DCSTAT 456).

For temporary (90 days) amendment of this section, see § 2(a) of the Transportation Infrastructure Mitigation Emergency Amendment Act of 2013 (D.C. Act 20-198, October 17, 2013, 60 DCR 15327).

§ 50-921.13. The District Department of Transportation Enterprise Fund for Transportation Initiatives.

Section references. — This section is referenced in § 50-921.04 and § 50-2635.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 2(b) of the DDOT Accessible Vehicles Fund Congressional Review Emergency Act of 2013 (D.C. Act 20-7, January 31, 2013, 60 DCR 2809, 20 DCSTAT 456).

§ 50-921.16. Bicycle Sharing Fund.

Emergency legislation. — For temporary (90 days) addition of D.C. Law 14-137, § 9h, concerning the Parking Meter Fund, see § 2 of the District Department of Transportation Parking Meter Fund Establishment Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-2, January 29, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 2(b) of the Transportation Infrastructure Mitigation Emergency Amendment Act of 2013 (D.C. Act 20-198, October 17, 2013, 60 DCR 15327).

For temporary (90 days) addition of D.C. Law 14-137, § 9i, concerning the Transportation Infrastructure Project Review Fund, see § 2(c) of

the Transportation Infrastructure Mitigation
Emergency Amendment Act of 2013 (D.C. Act
20-198, October 17, 2013, 60 DCR 15327).

CHAPTER 12. LIENS ON MOTOR VEHICLES OR TRAILERS.

§ 50-1215. False statements as to liens; violations of law chapter.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 265 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 13. MOTOR VEHICLE OWNERS AND OPERATORS RESPONSIBILITY.

Subchapter V. Proof of Financial Responsibility.

§ 50-1301.37. Suspension of license and registration for certain convictions; effect of proof of financial responsibility; vehicles owned or leased by the United States, a state, or a political subdivision thereof; suspension for foreign convictions.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 306 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 306 of the Comprehensive Im-

paired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see § 4 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

Subchapter VI. Violation of Provisions of Chapter; Penalties.

§ 50-1301.74. Failure to return license or registration; penalty.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 266(a) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 50-1301.75. Penalty for violations of chapter.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 266(b) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 13A. SALVAGE, FLOOD NOTIFICATION AND NON-REPAIRABLE
VEHICLE CERTIFICATION.

§ 50-1331.08. Penalties.

Emergency legislation. — For temporary agency Act of 2013 (D.C. Act 20-45, April 1, 2013, (90 days) amendment of this section, see § 267 60 DCR 5400, 20 DCSTAT 1300). of the Criminal Fine Proportionality Emer-

CHAPTER 14. OPERATORS' PERMITS AND IDENTIFICATION CARDS.

Subchapter I. General

Sec.

Sec.

50-1401.01. Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents;

50-1401.03. Federally-accepted driver's license — Identification card option.

operation without permit prohibited; restrictions for minors.

Subchapter I. General.

§ 50-1401.01. Fee; examination; age requirements; lost permits; provisions for armed forces personnel; contents; operation without permit prohibited; restrictions for minors.

(a)(1) The Mayor is authorized to issue a new or renewed motor vehicle operator's permit, valid for a period not to exceed 8 years plus any time period prior to the expiration date of a previous license not to exceed 2 months, to any individual 17 years of age or older, subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of \$30, which may be increased by the Mayor to compensate the District for processing and evaluating the application and issuing the permit. Alternatively, the Mayor is authorized to prorate existing fees to correspond to the duration of the license issued.

(B) The applicant shall demonstrate that he or she is mentally, morally, and physically qualified to operate a motor vehicle in a manner not to jeopardize the safety of individuals or property. The Mayor shall determine whether an applicant is qualified through:

(i) An examination of the applicant's knowledge of the traffic regulations and regulations for safely sharing roadways with pedestrians and bicyclists in the District;

(ii) A practical demonstration, or evidence acceptable to the Mayor of the applicant's ability to operate a motor vehicle within any portion of the District, except that upon renewal of an operator's permit or upon the application of an individual who meets the criteria set forth in subparagraph

(C) of this paragraph, the examination and demonstration may be waived in the discretion of the Mayor; and

(iii) Any other criteria as the Mayor may establish.

(C) An applicant under the age of 21, shall meet the following additional qualifications in addition to the qualifications in subparagraph (B) of this paragraph:

(i) The applicant shall be the holder of a valid provisional permit issued at least 6 months prior to the application in accordance with paragraph (2A) of this subsection;

(ii) The applicant shall not have admitted to, been liable for, or convicted of an offense for which points may be assessed during the 12 consecutive month period immediately preceding the application; and

(iii) The applicant shall have received 10 hours of nighttime driving experience, as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and has accompanied the applicant while the applicant was operating the motor vehicle.

(D) No permittee under the age of 18 shall:

(i) Operate a motor vehicle occupied by more than 2 passengers under the age of 21, except that this restriction shall not apply to a passenger who is a sibling of the permittee;

(ii) Operate a motor vehicle in which the permittee or any passenger fails to wear a seat belt; or

(iii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older and who is occupying a seat beside the permittee; or

(iv) Operate a motor vehicle other than a passenger vehicle or motorized bicycle used solely for the purposes of pleasure and not for compensation.

(2) The Mayor is authorized to issue a new or renewed learner's permit valid for 1-year to any individual 16 years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of \$15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit.

(B) The applicant shall have successfully passed all parts of the examination other than the driving demonstration test; and

(C) No holder of a learner's permit shall:

(i) Operate a motor vehicle except for a passenger vehicle used solely for pleasure;

- (ii) Operate a motor vehicle for compensation;
- (iii) Operate a motor vehicle unless while under the instruction of and accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying a seat beside the permittee, and wearing a seat belt; and
- (iv) Operate a motor vehicle except during the hours of 6 a.m. and 9 p.m.

(2A) The Mayor is authorized to issue a new or renewed provisional motor vehicle operator's permit, valid for a period not to exceed 1-year, to any individual 16 and ½ years of age or older subject to the following conditions and any other conditions the Mayor may prescribe to protect the public:

(A) The applicant shall pay an application fee of \$15, which may be increased by the Mayor for the costs of processing and evaluating the application and issuing the permit;

(B) The applicant shall satisfy the qualification requirements set forth in subsection (a)(1)(B) of this section and:

(i) Shall be the holder of a valid learner's permit issued at least 6 months prior to the application for a provisional permit;

(ii) Shall not have admitted to, been found liable for, or been convicted of an offense for which points may be assessed in the last 6 months; and

(iii) Shall have received 40 hours of driving experience as certified by the holder of a valid motor vehicle operator's permit from any jurisdiction, who is 21 years of age or older and who has accompanied the applicant while the applicant was operating the motor vehicle.

(C) No holder of a provisional permit shall:

(i) Operate a motor vehicle occupied by any passengers other than one holder of a valid motor vehicle operator's permit who is 21 years of age or older, occupying the seat beside the permittee, and wearing a seat belt, and any other passenger who is a sibling or parent of the permittee; or

(ii) Operate a motor vehicle between 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. on the following day during any month except July or August, and from 12:01 a.m. until 6:00 a.m. during July and August and on any Saturday or Sunday the rest of the year, unless driving to or from employment, a school-sponsored activity, religious or an athletic event or related training session in which the permittee is a participant, sponsored by the District of Columbia, a civic organization, or another similar entity that takes responsibility for the minor, or unless accompanied by the holder of a valid motor vehicle operator's permit who is 21 years of age or older, wearing a seat belt, and occupying a seat beside the permittee.

(2B) Notwithstanding the provision of subsection (a)(1)(C), (a)(2)(B), and (a)(2A) of this section, a person under the age of 21 who holds a valid motor vehicle permit from another jurisdiction shall be eligible for a comparable District of Columbia driver's permit, provided that the permittee's operation of a motor vehicle shall be subject to the applicable restrictions set forth in subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section.

(2C) Penalties:

(A) Any violation of the permit restrictions set forth [in] subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C) of this section, in addition to any other penalties that may be imposed by law, shall result in the suspension of the permits issued pursuant to subsection (a)(1)(C), (a)(2), or (a)(2A) and the addition of a period of time equal to the period of permit suspension to the requirements set forth in (a)(1)(C)(i) and (a)(2A)(B)(i) as follows:

- (i) The first offense shall result in a suspension of 30 days;
- (ii) The second offense shall result in suspension of 60 days; and
- (iii) The third and subsequent offenses shall result in a suspension of 90 days.

(B) The Mayor shall notify, in writing, the parent or legal guardian of a permittee who is under 18 years of age and who violates subsection (a)(1)(D), (a)(2)(C), or (a)(2A)(C);

(2D) Operator's permits subject to the provisions of this subchapter, including a learner's permit, provisional permit and operator's permit, shall be visually distinguishable pursuant to rules promulgated by the Department of Motor Vehicles.

(3) Any pupil 15 years of age or over enrolled in a high school or junior high school driver education and training course approved by the Mayor or his designated agent may, without obtaining either an operator's or a learner's permit, operate a dual control motor vehicle between the hours of 6 a.m. and 11 p.m., where the pupil is under instruction and accompanied by a licensed motor vehicle driving instructor; provided, that such instructor shall at all times while he is engaged in such instruction have on his person a certificate from the principal or other person in charge of such school, stating that such instructor is officially designated to instruct pupils enrolled in such course, and whenever demand is made by a police officer such instructor shall display to him such certificate.

(3A) Notwithstanding the passenger restrictions set forth in subsection (a)(1)(D), (a)(C)(iii), and (a)(2A)(C)(iii) of this subsection, a permittee who is enrolled in a driver education course may operate a motor vehicle containing a greater number of passengers while the permittee is under the instruction of and accompanied by a licensed motor vehicle driving instructor provided that the other passengers are also receiving driving instruction.

(4) In the event an operator's permit, learner's permit, or a provisional permit issued under the authority of this section is lost or destroyed, or requires replacement for any reason, other than through error or other act of the Mayor, not caused by the person to whom such permit was issued, such person may obtain a duplicate or replacement operator's permit upon payment of a fee of \$20, or such person may obtain a duplicate or replacement learner's permit, or replacement provisional permit upon payment of a fee of \$20.

(5) Enlisted men of the Army, Navy, Air Force, Marine Corps, and Coast Guard shall be issued, without charge, a permit to operate government-owned vehicles, while engaged in official business, upon the presentation of a certificate from their commanding officers to the effect that they are assigned to operate a government vehicle and are qualified to drive, and upon proving to the satisfaction of the Director of the Department of Transportation that they are familiar with the traffic regulations of the District of Columbia.

(5A)(A) Except as provided in subparagraph (C) of this paragraph, any eligible United States citizen or resident who is at least 18 years of age but no more than 26 years of age shall be registered with the Selective Service System, in compliance with the requirements of 50 U.S.C. App. § 453, when applying for an operator's permit or identification card pursuant to the laws of the District.

(B) The Director of the Department of Motor Vehicles ("Department") shall forward, in an electronic format, the personal information required of the applicant identified in subparagraph (A) of this paragraph to the Selective Service System for registration. The Department shall notify the applicant on the application for an operator's permit or an identification card that submitting the application serves as consent to register with the Selective Service System, in compliance with federal law.

(C) The Director of the Department of Motor Vehicles shall make available a form, separate from the application, which shall indicate that the applicant has chosen not to use the operator's permit or identification card application as a means of registering with the Selective Service System ("waiver form"). The waiver form shall state the effects of failure to register and the programs that condition eligibility upon registration with the Selective Service System. Applicants shall be informed that the waiver form is available upon request. The waiver form shall also state the civil and criminal penalties for failure to register for Selective Service. Failure to submit the waiver form is form shall be deemed affirmative proof that the applicant authorizes the Director of the Department to forward to the Selective Service System the information necessary to complete registration on behalf of the applicant. The waiver form, after completion, shall be added to the applicants file.

(D) This form shall comply with the requirements of subchapter II of Chapter 31 of Title 2 [§ 2-1931 et seq.] including being printed in each required language under § 2-1933.

(E) An applicant's submission of the waiver form specified in subparagraph (C) of this paragraph shall not be treated as grounds for denial of an application for an operator's permit or an identification card.

(F) The Director of the Department shall not forward to the Selective Service System the personal information of an individual who completes and submits the waiver form described in subparagraph (C) of this paragraph.

(6) Notwithstanding the provisions of this subsection, the Mayor or his designated agent may, upon compliance with such regulations as the Mayor may prescribe, extend for a period not in excess of 6 years the validity of the operator's permit of any person who is a resident of the District and who is on active duty outside the District in the armed forces or the Merchant Marine of the United States and who was at the time of leaving the District the holder of a valid operator's permit.

(a-1)(1) The Mayor and the Board of Elections and Ethics shall jointly develop an application form and a change of name and address form by January 1, 1989, which shall allow an applicant wishing to register to vote to do so by the use of a single form containing the necessary information for voter registration and the information required for the issuance, renewal, or correction of the applicant's driver's permit or identification card.

(2) Commencing not later than May 1, 1989, the Mayor shall provide each qualified elector who applies for the issuance, renewal, or correction of any type of driver's permit or for an identification card an opportunity to complete an application to register to vote by use of a single form containing the necessary required information for the issuance, renewal, or correction of the driver's permit or identification card.

(3) The Mayor shall forward all new applications to the Board of Elections and Ethics within 10 days of receipt.

(4) Applications received from the Mayor shall be considered received by the Board of Elections and Ethics as of the date the application was made.

(b)(1) Each operator's permit shall state the name and address, and bear the signature of the permittee, together with any additional information that the Mayor may by regulation prescribe. Pursuant to section 205(c)(2)(C)(vi) of the Social Security Act, approved August 14, 1935 (49 Stat. 624, 42 U.S.C. § 405(c)(2)(C)(vi)), the Mayor shall use a randomly generated number as the identification number on any new or renewed license.

(2) The Mayor shall require an applicant for an operator's permit to provide a social security number, if such a number was issued to the applicant, or, if required by the Mayor, proof that the applicant is not eligible for a social security number, for the purposes of administering and enforcing the laws of the District of Columbia. Notwithstanding any other provision of law, the social security number or other tax identification number shall not be a matter of public record. The social security number shall be kept on file with the issuing agency and the applicant shall be so advised.

(3) An applicant for an operator's permit who served on active duty in the Armed Forces of the United States and was discharged under conditions other than dishonorable may submit to the Department of Motor Vehicles, along with any other documentation required by this chapter, a DD Form 214, a WD AGO form, or a DD256 form certifying the applicant's veteran status. Upon receipt of this documentation, the Department of Motor Vehicles shall display the word "veteran" in capital letters on the applicant's operator's permit.

(c) Any individual to whom a license or permit to operate a motor vehicle has been issued shall have the license or permit in his or her immediate possession at all times while operating a motor vehicle in the District of Columbia and shall exhibit the license or permit to any police officer upon demand. Any person who fails to comply with the requirements of this subsection shall, upon conviction, be fined not less than \$10 nor more than \$50.

(d) No individual shall operate a motor vehicle in the District, except as provided in § 50-1401.02, without first having obtained an operator's permit, learner's permit, provisional permit, or a motorcycle endorsement if operating a motorcycle, issued under the provisions of this subchapter and Title 18 of the District of Columbia Municipal Regulations. Except as provided in subsection (d-1) of this section, any individual violating any provision of this subsection shall be fined not more than the amount set forth in § 22-3571.01 or shall be imprisoned not more than 90 days.

(d-1) Any individual who operates a motor vehicle with a District of Columbia permit expired for not more than 90 days shall be subject to a civil

§ 50-1401.01 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

fine of not more than \$100 pursuant to §§ 50-2301.04(b) and 50-2301.05, and shall not be subject to the criminal penalties contained in subsection (d) of this section.

(e) Nothing in this subchapter shall relieve any individual from compliance with § 47-2829(e).

(f) For purposes of this section and §§ 50-1401.02 and 50-1403.01, the term “motor vehicle” means a vehicle propelled by an internal-combustion engine, electricity, or steam. The term “motor vehicle” shall not include a traction engine, road roller, vehicle propelled only upon rails or tracks, personal assistive mobility device, as defined by § 50-2201.02(12), a battery-operated wheelchair when operated by a person with a disability, or a motorized bicycle.

(g) [Expired].

(Mar. 3, 1925, 43 Stat. 1121, ch. 443, § 7; July 3, 1926, 44 Stat. 812, ch. 739, § 2; Feb. 18, 1929, 45 Stat. 1226, ch. 258; Feb. 27, 1931, 46 Stat. 1424, ch. 317, § 2; June 20, 1939, 53 Stat. 850, ch. 231; Nov. 25, 1942, 56 Stat. 1023, ch. 642, § 2; Dec. 15, 1944, 58 Stat. 806, ch. 589, § 1; Apr. 20, 1948, 62 Stat. 173, ch. 215, §§ 1, 2; Aug. 16, 1954, 68 Stat. 732, ch. 741, §§ 1, 2, 3, 4, 5; July 24, 1956, 70 Stat. 633, ch. 695, § 2; Oct. 3, 1962, 76 Stat. 710, Pub. L. 87-737, § 1; Mar. 18, 1964, 78 Stat. 167, Pub. L. 88-287, § 1; Oct. 31, 1969, 83 Stat. 174, Pub. L. 91-106, title IV, § 405; Apr. 7, 1977, D.C. Law 1-110, § 4, 23 DCR 8740; Apr. 26, 1977, D.C. Law 1-133, title II, § 201(b), 23 DCR 9697; Sept. 12, 1978, D.C. Law 2-104, § 601, 25 DCR 1275; Oct. 8, 1981, D.C. Law 4-36, § 2, 28 DCR 3383; Apr. 3, 1982, D.C. Law 4-97, § 6, 29 DCR 765; Sept. 14, 1982, D.C. Law 4-145, § 7, 29 DCR 3138; Mar. 15, 1985, D.C. Law 5-176, § 12(b), 32 DCR 748; Sept. 27, 1985, D.C. Law 6-38, § 3, 32 DCR 4307; Feb. 28, 1987, D.C. Law 6-194, § 3, 34 DCR 479; Sept. 29, 1988, D.C. Law 7-155, § 2, 35 DCR 5718; Aug. 17, 1991, D.C. Law 9-30, § 4(b), 38 DCR 4215; Sept. 20, 1995, D.C. Law 11-48, § 5, 42 DCR 3627; May 24, 1996, D.C. Law 11-124, § 2, 43 DCR 1546; Apr. 5, 2000, D.C. Law 13-73, § 2, 46 DCR 10417; Apr. 5, 2000, D.C. Law 13-74, § 2, 46 DCR 10423; Apr. 12, 2000, D.C. Law 13-91, § 150, 47 DCR 520; Apr. 27, 2001, D.C. Law 13-289, § 401(b), 48 DCR 2057; Mar. 25, 2003, D.C. Law 14-235, § 10(d), 49 DCR 9788; Apr. 5, 2005, D.C. Law 15-289, § 2(b), 52 DCR 1446; Apr. 8, 2005, D.C. Law 15-307, § 205(a), 52 DCR 1700; Mar. 6, 2007, D.C. Law 16-224, § 101(c), 53 DCR 10225; Mar. 14, 2007, D.C. Law 16-279, §§ 202(c), 401(b), 54 DCR 903; Aug. 16, 2008, D.C. Law 17-219, § 6011, 55 DCR 7598; Sept. 14, 2011, D.C. Law 19-21, § 6002, 58 DCR 6226; Oct. 23, 2012, D.C. Law 19-189, § 2, 59 DCR 10156; Apr. 27, 2013, D.C. Law 19-290, § 5(b), 60 DCR 2343; June 11, 2013, D.C. Law 19-317, § 268(a), 60 DCR 2064; Dec. 13, 2013, D.C. Law 20-52, § 2(a), 60 DCR 15157; Dec. 13, 2013, D.C. Law 20-49, § 2(a), 60 DCR 15148.)

Section references. — This section is referenced in § 16-801, § 50-1401.02, § 50-1403.02, and § 50-2302.02.

Effect of amendments.

The 2013 amendment by D.C. Law 20-49 substituted “traffic regulations and regulations for safely sharing roadways with pedestrians

and bicyclists in the District” for “traffic regulations of the District” in (a)(1)(B)(i).

The 2013 amendment by D.C. Law 20-52 added (b)(3).

Emergency legislation.

For temporary (90 days) amendment of this section, see § 268(a) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Legislative history of Law 20-49. — Law 20-49, the “Bicycle Safety Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-140. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-188 and transmitted to Congress for its review. D.C. Law 20-49 became effective on December 13, 2013.

Legislative history of Law 20-52. — Law

20-52, the “Veteran Status Driver’s License Designation Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-231. The Bill was adopted on first and second readings on July 10, 2013, and Oct. 1, 2013, respectively. Signed by the Mayor on Oct. 17, 2013, it was assigned Act No. 20-191 and transmitted to Congress for its review. D.C. Law 20-52 became effective on December 13, 2013.

Editor’s notes.

Applicability of D.C. Law 20-52: Section 3 of D.C. Law 20-52 provided that the act shall apply as of October 1, 2013.

§ 50-1401.01b. Prohibition on release and use of certain personal information from motor vehicle records and accident reports.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 512 of the Omnibus Criminal

Code Amendment Congressional Review Emergency Act of 2013 (D.C. Act 20-44, April 1, 2013, 60 DCR 5381, 20 DCSTAT 1281).

§ 50-1401.02. Exemptions.

Section references. — This section is referenced in § 50-1401.01, § 50-1403.01, § 50-1403.02, § 50-1501.02, and § 50-1501.04.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 268(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 50-1401.03. Federally-accepted driver’s license — Identification card option.

(a)(1) The Mayor may offer a resident the option of applying for a driver’s license or a special identification card that will be accepted by the federal government for any official purpose, subject to the applicable federal requirements.

(2) An applicant for an identification card who served on active duty in the Armed Forces of the United States and was discharged under conditions other than dishonorable may submit to the Department of Motor Vehicles, along with any other documentation required by this chapter, a DD Form 214, a WD AGO form, or a DD256 form certifying the applicant’s veteran status. Upon receipt of this documentation, the Department of Motor Vehicles shall display the word “veteran” in capital letters on the applicant’s identification card.

(b) The Mayor is authorized to take actions as specified in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, approved May 11, 2005 (Pub. L. No. 109-13; 119 Stat. 231) [see note under 49 U.S.C. § 30301], and the regulations authorized pursuant to that act so that a driver’s license or special identification card issued to a person choosing an option described in subsection (a) of this section shall be accepted by the federal government for any official purpose.

§ 50-1403.01 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

(Mar. 3, 1925, ch. 443, § 8a, as added Mar. 14, 2007, D.C. Law 16-279, § 202(e), 54 DCR 903; Dec. 13, 2013, D.C. Law 20-52, § 2(b), 60 DCR 15157.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-52 added (a)(2).

Legislative history of Law 20-52. — See note to § 50-1401.01.

Editor's notes. — Applicability of D.C. Law 20-52: Section 3 of D.C. Law 20-52 provided that the act shall apply as of October 1, 2013.

Subchapter II. Revocation and Suspension of Permit.

§ 50-1403.01. Revocation or suspension; new permit after revocation; nonresidents; penalty for operation with revoked or suspended license.

Section references. — This section is referenced in § 23-581, § 50-1105, § 50-1401.01, § 50-1403.02, § 50-2201.03, § 50-2201.05a, § 50-2201.05b, § 50-2201.27, and § 50-2302.02.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 307 of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 268(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 307 of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1403.03. Suspension of minor's motor vehicle operator's permit for alcohol violation.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 268(d) of the Criminal Fine Proportionality

Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 15. REGISTRATION OF MOTOR VEHICLES.

Subchapter I. General Provisions.

§ 50-1501.04. Unlawful acts; penalty.

Section references. — This section is referenced in § 16-801 and § 50-2302.02.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 112(g) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter IV. International Registration Plan Agreements.

§ 50-1507.03. Registration.

Section references. — This section is referenced in § 50-1401.02 and § 50-1501.02.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 269

of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE VI. SAFETY.

CHAPTER 19. MOTOR VEHICLE OPERATORS; IMPLIED CONSENT TO CHEMICAL TESTING.

Subchapter I. Chemical Testing.

§ 50-1901. Definitions.

Section references. — This section is referenced in § 5-1419.

Emergency legislation.

For temporary (90 days) amendment of this chapter, see § 101(a) and (b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(c)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) designation of §§ 50-1901 to 50-1904 as subchapter I of this chapter, see § 101(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see § 101(c)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1902. Implied consent to blood-alcohol content or blood-drug content tests; administration; accidents. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 101(c)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 101(c)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1903. Blood tests; medical professional to withdraw blood.

Section references. — This section is referenced in § 50-1904.02 and § 50-1910.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101(c)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(c)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program

Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1904. Availability of chemical test results.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101(c)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(c)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1904.01. Preliminary breath test.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1904.02. Chemical testing after arrest.

Section references. — This section is referenced in § 50-1905.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(d)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Subchapter II. Refusal to Submit Specimens for Chemical Testing.

§ 50-1905. Test refusal; penalty; evidence of refusal.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101(d)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary designation of §§ 50-1905 to 50-1907 as subchapter II of this chapter, see § 101(b) of the Comprehensive Impaired Driv-

ing and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344).

For temporary (90 days) amendment of this section, see § 101(d)(2) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1906. License revocation or denial order; hearing.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 101(d)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(d)(3) of the Comprehensive

Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1907. Judicial review.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 101(d)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 101(d)(4) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Subchapter III. Watercraft.

§ 50-1908. Definitions.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1909. Preliminary breath test.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1910. Chemical testing after arrest.

Section references. — This section is referenced in § 50-1911.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1911. Test refusal; evidence of refusal.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-1912. Penalty.

Section references. — This section is referenced in § 50-1911.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 270 of the Criminal Fine Propor-

tionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 101(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

CHAPTER 20. SENIOR CITIZEN MOTOR VEHICLE ACCIDENT PREVENTION COURSE CERTIFICATION.

Sec.

50-2001. Findings.

50-2002. Approval of courses; certificate of completion.

Sec.

50-2003. Insurance discounts.

§ 50-2001. Findings.

The Council of the District of Columbia finds that:

(1) Drivers 50 years of age and older are an increasing segment of the District of Columbia's motorists whose unique driving habits justify the development of driver improvement training programs specifically designed for senior citizens.

(2) Statistics indicate that although the number of annual miles driven declines for drivers 50 years of age and older, motor vehicle accident rates for senior citizens increase when measured by accidents per mile driven, and highlight the need for measures to improve highway safety by educating older drivers about their specific driving customs and experiences.

(3) Senior citizen motor vehicle safety and driver improvement programs will improve the driving skills of older motorists, will update their driving knowledge, and will result in greater driving safety in the District of Columbia.

(Feb. 9, 1984, D.C. Law 5-46, § 2, 30 DCR 5638; Dec. 13, 2013, D.C. Law 20-51, § 2(a), 60 DCR 15155.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-51 substituted "50 years of age" for "55 years of age" throughout the section.

Legislative history of Law 20-51. — Law 20-51, the "Older Adult Driver Safety Amendment Act of 2013," was introduced in Council

and assigned Bill No. 20-177. The Bill was adopted on first and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-190 and transmitted to Congress for its review. D.C. Law 20-51 became effective on December 13, 2013.

§ 50-2002. Approval of courses; certificate of completion.

(a) The Department of Transportation shall establish criteria and guidelines for the approval of motor vehicle accident prevention courses ("course") for individuals 50 years of age and older.

(b) An approved classroom course shall require that each student receives a minimum of 6 hours of instruction for the initial course and 4 hours of instruction for the renewal courses.

(b-1) An approved online course shall require that each student receives validation of instruction that is equal to or greater than that offered in a classroom course.

(c) An individual who successfully completes an approved course shall be issued a certificate of completion by the organization operating the course.

(Feb. 9, 1984, D.C. Law 5-46, §§ 3, 4, 30 DCR 5638; Dec. 13, 2013, D.C. Law 20-51, § 2(b), 60 DCR 15155.)

Section references. — This section is referenced in § 50-2003.

Effect of amendments. — The 2013 amendment by D.C. Law 20-51 substituted "50 years of age" for "55 years of age" in (a); rewrote (b), which read: "An approved course shall

provide not less than 8 hours of actual classroom or field driving instruction"; and added (b-1).

Legislative history of Law 20-51. — See note to § 50-2001.

§ 50-2003. Insurance discounts.

(a) All insurance companies authorized to sell motor vehicle insurance in the District of Columbia shall provide a discount in the amount charged for a motor vehicle insurance policy to individuals 50 years of age and older who have successfully completed an approved course.

(b) Any schedule of rates or any rating plan for a motor vehicle insurance policy approved by the Department of Insurance shall provide for an appropriate 2-year discount in the premiums for individuals 50 years of age and older who have successfully completed an approved course.

(c) The requirement in subsection (b) of this section shall be satisfied if an insurance company's schedule of rates or rating plan provides a discount in the premiums for all individuals 50 years of age and older based upon factors related to the individual's age.

(d) A certificate of completion issued pursuant to § 50-2002(c) shall qualify an individual for the discount set forth in subsection (b) of this section during the 2-year period immediately following issuance of the certificate.

(e) An individual shall complete an approved course every 2 years in order to continue to be eligible for a discount in the premiums of a motor vehicle policy of insurance provided pursuant to subsection (b) of this section.

(Feb. 9, 1983, D.C. Law 5-46, §§ 5, 6, 30 DCR 5638; Dec. 13, 2013, D.C. Law 20-51, § 2(c), 60 DCR 15155.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-51 substituted "50 years of age" for "55 years of age" throughout the section.

Legislative history of Law 20-51. — See note to § 50-2001.

CHAPTER 21A. SAFETY IMPACT OF FINE REDUCTIONS.

§ 50-2111. Safety impact of fine reductions.

Emergency legislation. — For temporary (90 days) addition of this section, see § 101 of the Safety-Based Traffic Enforcement Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

SUBTITLE VII. TRAFFIC.

CHAPTER 22. REGULATION OF TRAFFIC.

Subchapter I. General Provisions

Part A

Traffic Act, 1925

Sec.

50-2201.04d. Bicyclists' use of leading pedestrian intervals.

Subchapter I. General Provisions.

PART A.

TRAFFIC ACT, 1925.

§ 50-2201.02. Definitions.

Section references. — This section is referenced in § 5-114.01, § 31-2402, § 50-601, § 50-1108, § 50-1201, § 50-1301.02, § 50-1331.01, § 50-1401.01, § 50-1501.01, § 50-1505.01, § 50-1901, § 50-2301.02, and § 50-2602.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102(a) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 102(a) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.03. Mayor to make rules; Department of Transportation; Director; Congressional and Council parking; title fees; common carriers; penalties; prosecutions; publication of regulations; excise tax; impoundment for outstanding violations.

Section references. — This section is referenced in § 1-636.02, § 9-1103.04, § 9-1111.15, § 34-731, § 47-2831, § 50-2201.22, § 50-2201.25, § 50-2201.27, and § 50-2421.02.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.04. Speeding and reckless driving.

Section references. — This section is referenced in § 4-501, § 23-581, § 50-329.05, § 50-2201.05b, § 50-2201.27, and § 50-2302.02.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(e) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) amendment of this section, see § 2 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

§ 50-2201.04b. Operation of all-terrain vehicles and dirt bikes.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(b) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.04d. Bicyclists' use of leading pedestrian intervals.

(a) A bicyclist may cross at an intersection while following the pedestrian traffic control signal for the bicyclist's direction of travel unless otherwise directed by traffic signs or traffic control devices.

§ 50-2201.05 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

(b) A bicyclist may cross an intersection where a leading pedestrian interval is used.

(Mar. 3, 1925, ch. 443, § 9d, as added Dec. 13, 2013, D.C. Law 20-49, § 2(b), 60 DCR 15148.)

Effect of amendments. — The 2013 amendment by D.C. Law 20-49 added this section.

Legislative history of Law 20-49. — Law 20-49, the “Bicycle Safety Amendment Act of 2013,” was introduced in Council and assigned Bill No. 20-140. The Bill was adopted on first

and second readings on July 10, 2013, and October 1, 2013, respectively. Signed by the Mayor on October 17, 2013, it was assigned Act No. 20-188 and transmitted to Congress for its review. D.C. Law 20-49 became effective on December 13, 2013.

§ 50-2201.05. **Fleeing from scene of accident; driving under the influence of liquor or drugs. [Repealed].**

Section references. — This section is referenced in § 1-620.24, § 4-501, § 4-516, § 7-2502.03, § 16-801, § 23-581, § 50-2201.27, and § 50-2302.02.

Emergency legislation.

For temporary (90 days) repeal of this section, see § 102(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013

(D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 102(e) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.05b. **Fleeing from a law enforcement officer in a motor vehicle.**

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102(f) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(c) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) amendment of this section, see § 102(f) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.05c. **Leaving after colliding.**

Section references. — This section is referenced in § 50-2206.55.

Emergency legislation. — For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(d) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.05d. Object falling or flying from vehicle.

Section references. — This section is referenced in § 50-2206.55.

Emergency legislation. — For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 271(e) of the Criminal Fine Pro-

portionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 102(g) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2201.07. Control over park system not affected by this part.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 102(h) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 102(h) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

PART B.

MISCELLANEOUS.

§ 50-2201.28. Right-of-way at crosswalks.

Emergency legislation.

For temporary (90 days) amendment of this section, see § 273 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) safety-based traffic enforcement, see § 201 of the Safety-Based Traffic Enforcement Congressional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

§ 50-2201.31. Signs identifying the District as a strict enforcement zone.

Emergency legislation. — For temporary (90 days) addition of this section, see § 102 of the Safety-Based Traffic Enforcement Congress-

sional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

§ 50-2201.32. Speed limit assessment.

Section references. — This section is referenced in § 50-2201.33.

Emergency legislation. — For temporary (90 days) addition of this section, see § 104 of

the Safety-Based Traffic Enforcement Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

§ 50-2201.33 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

§ 50-2201.33. Emergency speed-limit changes.

Emergency legislation. — For temporary (90 days) addition of this section, see § 105 of the Safety-Based Traffic Enforcement Congress-

sional Review Emergency Amendment Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

Subchapter II. Negligent Homicide.

§ 50-2203.01. Negligent homicide.

Section references. — This section is referenced in § 50-2203.02, § 50-2203.03, § 50-2206.51, and § 50-2302.02.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 274 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

Subchapter III. Driving While Under the Influence of Alcohol.

§ 50-2205.01. Prima facie evidence of intoxication; relevant evidence of use of intoxicating liquor. [Repealed].

Emergency legislation. — For temporary (90 days) amendment of this subchapter, see § 103(a)-(d) and (e)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

§ 50-2205.02. Evidence of intoxication. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this section, see § 103(e)(2)(A) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) codification of D.C. Law 4-145, §§ 2 and 3 (§§ 50-2205.02 and 50-2205.03), as Subtitle A of Title I of the act, see § 103(a) and (e)(1) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) codification of D.C. Law 4-145, §§ 4 to 11 as Title II of the act, see § 103(b) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) codification of D.C. Law 4-145, §§ 12 and 13 as Title III of the act, see § 103(c) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) codification of D.C. Law 4-145, § 14 as Title IV of the act, see § 103(d) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Amendment Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

For temporary (90 days) repeal of this section, see § 103(e)(2)(A) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2205.03. Admissibility of test results. [Repealed].

Emergency legislation.

For temporary (90 days) repeal of this sec-

tion, see § 103(e)(2)(B) of the Comprehensive Impaired Driving and Alcohol Testing Program

Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) repeal of this section, see § 103(e)(2)(B) of the Comprehensive

Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Subchapter III-A. Impaired Operating or Driving.

PART A.

DEFINITIONS.

§ 50-2206.01. Definitions.

Section references. — This section is referenced in § 1-620.24, § 1-620.33, § 24-211.23, § 50-1301.37, and § 50-1403.01.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(2)(C) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Amendment Act of

2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(2)(C) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

PART B.

OPERATING A VEHICLE.

§ 50-2206.11. Driving under the influence of alcohol or a drug.

Section references. — This section is referenced in § 50-1905, § 50-2201.05a, § 50-2206.13, § 50-2206.15, § 50-2206.51, § 50-2206.54, § 50-2206.55, and § 50-2206.56.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.12. Driving under the influence of alcohol or a drug; commercial vehicle.

Section references. — This section is referenced in § 50-1905, § 50-2201.05a, § 50-2206.13, § 50-2206.15, § 50-2206.17, § 50-2206.51, § 50-2206.54, § 50-2206.55, and § 50-2206.56.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.13. Penalties for driving under the influence of alcohol or a drug.

Section references. — This section is referenced in § 50-2206.17.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this

section, see § 113(f)(1) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.14. Operating a vehicle while impaired.

Section references. — This section is referenced in § 50-1905, § 50-2201.05a, § 50-2206.13, § 50-2206.15, § 50-2206.54, § 50-2206.55, and § 50-2206.56.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.15. Penalty for operating a vehicle while impaired.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(2) of the Criminal Fine

Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.16. Operating under the influence of alcohol or a drug; horse-drawn vehicle.

Section references. — This section is referenced in § 50-2206.54 and § 50-2206.55.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this

section, see § 272 of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.17. Additional penalty for driving under the influence of alcohol or a drug; commercial vehicle.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.18. Additional penalty for impaired driving with a minor in vehicle.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(3) of the Criminal Fine

Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

PART C.

OPERATING A WATERCRAFT.

§ 50-2206.31. Operating under the influence of alcohol or a drug; watercraft.

Section references. — This section is referenced in § 50-1911, § 50-2206.32, § 50-2206.34, § 50-2206.51, and § 50-2206.54.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.32. Penalties for operating watercraft under the influence of alcohol or a drug.

Section references. — This section is referenced in § 50-1911.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this

section, see § 113(f)(4) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.33. Operating a watercraft while impaired.

Section references. — This section is referenced in § 50-2206.32, § 50-2206.34, and § 50-2206.54.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act

20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.34. Penalties for operating watercraft while impaired.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(5) of the Criminal Fine

Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.35. Harbor Master public awareness campaign.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.36. Additional penalty for impaired operating with a minor in the watercraft.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 113(f)(6) of the Criminal Fine

Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

PART D.

ENFORCEMENT.

§ 50-2206.51. Evidence of impairment.

Emergency legislation. — For temporary (90 days) addition of this section, see

§ 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

sional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive

Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.52. Admissibility of chemical test results.

Section references. — This section is referenced in § 50-2206.52a and § 50-2206.52b.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.53. Prosecution and diversionary program.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.54. Assessment of alcohol or drug abuse and treatment.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.55. Revocation of permit or privilege to drive.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) amendment of this section, see § 6 of the Reckless Driving Emer-

gency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.56. Impounding of vehicle; release of vehicle; liability.

Emergency legislation. — For temporary (90 days) addition of this section, see

§ 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congress-

§ 50-2206.57 MOTOR AND NON-MOTOR VEHICLES AND TRAFFIC

sional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive

Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.57. Mandatory-minimum periods.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.58. Fines.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

§ 50-2206.59. Effect of later repeal or amendment.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Congressional Review Emergency Act of 2013 (D.C. Act 20-3, January 29, 2013, 60 DCR 2762, 20 DCSTAT 410).

For temporary (90 days) addition of this section, see § 103(e)(3) of the Comprehensive Impaired Driving and Alcohol Testing Program Second Congressional Review Emergency Act of 2013 (D.C. Act 20-51, April 17, 2013, 60 DCR 6344, 20 DCSTAT 1360).

Subchapter V. Automated Traffic Enforcement.

PART B.

AUTOMATED ENFORCEMENT EXPANSION PLAN.

§ 50-2209.11. Automated enforcement expansion plan.

Emergency legislation. — For temporary (90 days) addition of this section, see § 103 of the Addition of this section Congressional Re-

view Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

CHAPTER 23. TRAFFIC ADJUDICATION.

*Subchapter I. General Provisions.***§ 50-2301.05. Monetary sanctions.**

Section references. — This section is referenced in § 31-2413, § 50-1401.01, § 50-1501.02, § 50-2207.02, § 50-2302.05, § 50-2302.06, § 50-2303.04a, § 50-2303.05, and § 50-2303.06.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 106 of the Safety-Based Traffic Enforcement Congressional Review Emergency Act of 2013 (D.C. Act 20-50, April 22, 2013, 60 DCR 6339, 20 DCSTAT 1356).

*Subchapter II. Moving Infractions.***§ 50-2302.02. Exceptions.**

Section references. — This section is referenced in § 50-921.04, § 50-2301.04, § 50-2302.01, and § 50-2303.01.

Emergency legislation. — For temporary

(90 days) amendment of this section, see § 3 of the Reckless Driving Emergency Act of 2013 (D.C. Act 20-75, May 23, 2013, 60 DCR 7597, 20 DCSTAT 1428).

§ 50-2302.03. Exception for serious offenders.

Section references. — This section is referenced in § 50-2302.01.

Emergency legislation. — For temporary (90 days) amendment of this section, see

§ 275(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

*Subchapter III. Parking, Standing, Stopping and Pedestrian Infractions.***§ 50-2303.02. Exceptions for serious offenders.**

Section references. — This section is referenced in § 50-2303.01.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 275(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

SUBTITLE VIII. VEHICLES ON PUBLIC AND PRIVATE SPACE.

CHAPTER 24. ABANDONED AND JUNK VEHICLE REMOVAL.

Subchapter II. Removal and Disposition of Abandoned and Other Unlawfully Parked Vehicles.

§ 50-2421.04. Removal of abandoned and dangerous vehicles from public space; penalties.

Section references. — This section is referenced in § 50-2402.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 276(a) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 50-2421.09. Procedures for reclaiming impounded vehicles; lien; penalties.

Section references. — This section is referenced in § 22-2724 and § 50-2702.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 276(b) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

§ 50-2421.10. Disposal of unclaimed vehicles; penalties; auction admission fees.

Section references. — This section is referenced in § 22-2724 and § 50-2402.

Emergency legislation.

For temporary (90 days) amendment of this

section, see § 276(c) of the Criminal Fine Proportionality Emergency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

CHAPTER 25A. PERFORMANCE PARKING ZONES.

§ 50-2537. Mount Pleasant Visitor Pass Pilot Program.

Section references. — This section is referenced in § 50-2551.

Temporary legislation. — For temporary (225 days) addition of D.C. Law 17-279, § 9, prohibiting the issuance of citations to a vehicle displaying a visitor parking permit valid as of September 30, 2013, see § 2 of the Visitor Parking Pass Preservation Temporary Amendment Act of 2013 (D.C. Law 20-58, December 13, 2013, 60 DCR 15170).

For temporary (225 days) addition of D.C. Law 17-279, § 10, concerning renewal of visitor parking permits, see § 2 of the Visitor Parking

Pass Preservation Temporary Amendment Act of 2013 (D.C. Law 20-58, December 13, 2013, 60 DCR 15170).

For temporary (225 days) addition of D.C. Law 17-279, § 11, prohibiting the issuance of a visitor parking permit to a residence that was ineligible to receive a visitor parking permit as of September 15, 2013, see § 2 of the Visitor Parking Pass Preservation Temporary Amendment Act of 2013 (D.C. Law 20-58, December 13, 2013, 60 DCR 15170).

Emergency legislation. — For temporary (90 days) addition of D.C. Law 17-279, § 9, see

§ 2 of the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 (D.C. Act 20-172, September 30, 2013, 60 DCR 14748).

For temporary (90 days) addition of D.C. Law 17-279, § 10, see § 2 of the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 (D.C. Act 20-172, September 30, 2013, 60 DCR 14748).

For temporary (90 days) addition of D.C. Law 17-279, § 11, see § 2 of the Visitor Parking Pass Preservation Emergency Amendment Act of 2013 (D.C. Act 20-172, September 30, 2013, 60 DCR 14748).

CHAPTER 26. REGULATION OF PARKING.

Subchapter III. Miscellaneous.

§ 50-2632. Parking of automobiles in Municipal Center; regulations; violations and penalties.

Emergency legislation. — For temporary (90 days) amendment of this section, see § 277 of the Criminal Fine Proportionality Emer-

gency Act of 2013 (D.C. Act 20-45, April 1, 2013, 60 DCR 5400, 20 DCSTAT 1300).

TABLES

The tables contained in this February 2014 Advance Service update the October 2013 Advance Service and the 2013 Supplement with all Code sections added, amended, or transferred since the publication of those volumes.

STATUTES AT LARGE

Volume 127

Date	Page	Pub. L.	Chapter	Section	2001 D.C. Code
Dec. 26, 2013	441	113-8	...	1	1-204.24b

DISTRICT OF COLUMBIA LAWS

Date	D.C. Law	Section	2001 D.C. Code	Date	D.C. Law	Section	2001 D.C. Code
May 1, 2013	20-1	2	7-1671.06 note	June 22, 2013	20-9	2(b)	1-307.82 note
May 18, 2013	20-2	2	7-1671.06 note			2(c)	1-307.83 note
	20-3	2(a)	1-1162.19 note			2(d)	1-307.87 note
		2(b)	1-1162.21 note			2(e)	1-307.90 note
	20-4	2(a)	1-1171.01 note			2(f)	1-307.91 note
		2(b)	1-1171.02 note	July 13, 2013	20-10	2	7-736.01 note
		2(c)	1-1171.03 note		20-11	2	31-3171.04 note
		2(d)	1-1171.04 note			3	2-351.05 note
		2(e)	1-1171.05 note		20-12	2	1-328.04 note
		2(f)	1-1171.06 note	July 23, 2013	20-13	2-6	2-218.31 note
		2(g)	1-1171.06a note	Sept. 19, 2013	20-14	2	47-369.01 note,
		2(h)	1-625.01 note,				47-369.02 note
			1-1171.07 note			5	8-105.74 note
	20-5	2	47-462 note		20-15	2(a)	42-815.01 note
		3(a)	2-352.01 note			2(b)	42-815.02 note
		3(b)	2-354.07 note			2(c)	42-815.03 note
June 22, 2013	20-6	2	2-351.05 note		20-16	2	38-2021.03
	20-7	2	4-205.52 note		20-17	101(a)	38-201
	20-9	2(a)	1-307.81 note			101(b)(1)	38-207
						101(b)(2)	38-208,

Date	D.C. Law	Section	2001 D.C. Code	Date	D.C. Law	Section	2001 D.C. Code
Sept. 19, 2013	20-17	101(b)(2)	38-207	Nov. 5, 2013	20-37	2(a)	7-205
		102	38-2602			2(b)	7-210
		201	38-209 note			2(c)	7-210.01
		301	4-1321.02 note			2(d)	7-217
		302	4-1321.02			3(b)	16-2502R
		303(a)	38-202			3(c)	16-2503
		303(b)	38-203		20-38	2	16-803 note
		303(c)	38-205			2(b)	16-803.01 note
	20-18	2	31-2502.28a, 31-2502.28b			3	16-803 note, 16-803.01 note
Oct. 3, 2013	20-19	2	10-801 note				
	20-20	2	35-233 note		20-39	2	9-1108.11 note
	20-21	2	34-1506 note				
	20-22	2(a)	31-3171.01 note		20-40	2(a)	42-815.01
		2(b), (c)	31-3171.09 note			2(b)	42-815.02
Oct. 17, 2013						2(c)	42-815.03
						2(d)	42-815.04
	20-23	2	47-1088 note			3	26-551.20
	20-24	2	37-131.10 note			4(a)	31-5041.01
	20-25	2, 3	32-1535 note			4(b)	31-5041.02
	20-26	2	31-3861			4(c)	31-5041.05
		3	31-3862			4(d)	31-5041.06
		4	31-3863			4(e)	31-5041.07
	20-27	101	38-771.01			5(a)	31-5031.01
		102	38-771.02			5(b)	31-5031.04
		103	38-771.03			5(c)	31-5031.09
		104	38-771.04			5(d)	31-5031.11
		105	38-771.05			5(e)	31-5031.12
		106	38-771.06			5(f)	31-5031.13
		107	38-771.07			5(g)	31-5031.16
		201	38-2602			5(h)	31-5031.18
	20-28	2-4	9-202.01 note			5(i)	31-5031.20
	20-29	2	9-204.01 note			6(a)	31-1131.05b
	20-30	2	9-204.01 note			6(b)	31-1131.06
	20-31	2(a)	1-1001.02			6(c)	31-1131.07b
		2(b)	1-1001.08			6(d)	31-1131.08
		2(c)	1-1001.16			7	31-3412
		2(d)	1-1001.17			8	42-815.01—
	20-32	2	9-204.01 note				42-815.04 note, 26-551.20 note
	20-33	2	2-1215.54	Dec. 5, 2013	20-41	2	10-801 note
	20-34	2	27-131		20-42	2	5-401 note
		3	27-132		20-43	2, 3	35-233 note
		4	27-133		20-44	2	1-204.24b note
Nov. 5, 2013		5	27-134			3, 4	1-611.09 note
		6	27-135			4	1-204.24b note
		7	27-136		20-45	2	4-753.01 note
	20-35	2, 3	9-202.01 note		20-46	2	47-340.28
	20-36	2	46-406	Dec. 13, 2013	20-47	2(a)	34-1501
						2(b)	34-1501.01
						2(c)	34-1518
						2(d)	34-1518.01

Date	D.C. Law	Section	2001 D.C. Code	Date	D.C. Law	Section	2001 D.C. Code
Dec. 13, 2013	20-47	2(e)	34-1521, 34-1522	Dec. 13, 2013	20-56	2	4-753.04 note
		3	34-1434			3	47-4701 note
	20-48	2(a)	7-1702			4	4-205.72a note
		2(b)	7-1703			5	47-2005 note
		2(c)	7-1704		20-57	2	1-1162.25 note
		2(d)	7-1706			2	50-2537 note
		4	7-1702 note, 7-1703 note, 7-1704 note, 7-1706 note		20-58	2	7-1671.06
	20-49	2(a)	50-1401.01		20-58	2	1-608.51a
		2(b)	50-2201.04d		20-59	101(a)	1-608.52
		3(a)	10-1141.03		20-60	101(b)	1-608.53
		3(b)	10-1141.04			101(c)	1-608.54
	20-50	2(a)	47-2837			101(d)	1-608.55
		2(b)	47-2844			101(e)	1-608.56
		4(a)	16-803			101(f)	1-608.57
		4(b)	16-803.01			101(g)	1-608.61
	20-50	2(a)	50-2001			101(h)	1-608.62
		2(b)	50-2002			101(i)	1-608.63
		2(c)	50-2003			101(j)	1-608.64
	20-51	2(a)	50-1401.01			101(k)	1-608.65
		2(b)	50-1401.03			101(l)	1-608.66
		3	50-1401.01 note, 50-1401.03 note			101(m)	1-301.82
						201	1-1001.08
						301(a)	1-1001.10
	20-52	2	1-350.05 note			301(b)	1-1001.11
						301(c)	1-1001.15
	20-54	2(a)	47-1332 note			301(d)	1-1162.26
						302(a)	1-1163.04
	20-55	2(b)	47-1347 note			302(b)	1-1163.19
						302(c)	1-1163.33
		2(c)	47-1377 note			302(d)	1-1163.36
						302(e)	

POPULAR NAME TABLE

This table indicates those acts, by name, which are incorporated in the 2001 Edition of the District of Columbia Code.

The table is alphabetized by the name of the act. The date and citation of the act appears directly below each name. Reference should be made to the Disposition Table, where by means of the date and citation of the act one can determine the disposition of the act in the 2001 Edition.

Atlas Court Alley Designation Act of 2013 Oct. 17, 2013, D.C. Law 20-30, 60 DCR 11132.	Closing of a Public Street and Alley and Elimination of Building Restriction Lines in and abutting Squares 5641 and N-5641, S.O. 07-2117, Act of 2013 Oct. 17, 2013, D.C. Law 20-28, 60 DCR 11128.
Attendance Accountability Amendment Act of 2013 Sept. 19, 2013, D.C. Law 20-17, 60 DCR 9839.	Community Renewable Energy Amendment Act of 2013 Dec. 13, 2013, D.C. Law 20-47, 60 DCR 15138.
Better Prices, Better Quality, Better Choices for Health Coverage Temporary Amendment Act of 2013 Oct. 3, 2013, D.C. Law 20-22, 60 DCR 10880.	Criminal Record Sealing Temporary Act of 2013 Nov. 5, 2013, D.C. Law 20-38, 60 DCR 12149.
Bicycle Safety Amendment Act of 2013 Dec. 13, 2013, D.C. Law 20-49, 60 DCR 15148.	CCNV Task Force Temporary Act of 2013 Dec. 5, 2013, D.C. Law 20-45, 60 DCR 14959.
Board of Elections Petition Circulation Requirements Amendment Act of 2013 Oct. 17, 2013, D.C. Law 20-31, 60 DCR 11535.	Delta Sigma Theta Way Designation Act of 2013 Oct. 17, 2013, D.C. Law 20-29, 60 DCR 11130.
Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Temporary Amendment Act of 2013 Dec. 13, 2013, D.C. Law 20-57, 60 DCR 15168.	Department of Health Grant-Making Authority Temporary Amendment Act of 2013 July 13, 2013, D.C. Law 20-10, 60 DCR 7234.
Board of Ethics and Government Accountability Temporary Amendment Act of 2013 May 18, 2013, D.C. Law 20-3, 60 DCR 4622.	Deputy Mayor for Planning and Economic Development Limited Grant-Making Authority Temporary Amendment Act of 2013 July 13, 2013, D.C. Law 20-12, 60 DCR 7238.
Capitol Hill Business Improvement District Amendment Act of 2013 Oct. 17, 2013, D.C. Law 20-33, 60 DCR 11781.	Dimitar Peshev Plaza Designation Act of 2013 Oct. 17, 2013, D.C. Law 20-32, 60 DCR 11779.
Captive Earthquake Property Insurance Temporary Amendment Act of 2013 June 22, 2013, D.C. Law 20-9, 60 DCR 6407.	District Real Property Tax Sale Temporary Act of 2013 Dec. 13, 2013, D.C. Law 20-55, 60 DCR 15163.
Certified Business Enterprise Compliance Temporary Act of 2013 July 23, 2013, D.C. Law 20-13, 60 DCR 7601.	Elected Attorney General Implementation and Legal Service Establishment Amendment Act of 2013 Dec. 13, 2013, D.C. Law 20-60, 60 DCR 15487.
Chief Financial Officer Compensation Temporary Amendment Act of 2013 Dec. 5, 2013, D.C. Law 20-44, 60 DCR 14957.	Extension of Time to Dispose of Hine Junior High School Temporary Amendment Act of 2013 Dec. 5, 2013, D.C. Law 20-41, 60 DCR 14714.
Closing of a Public Alley in Square 77, S.O. 12-6036, Act of 2013 Nov. 5, 2013, D.C. Law 20-35, 60 DCR 11815.	

Extension of Time to Dispose of Justice Park Property Temporary Approval Act of 2013

Oct. 3, 2013, D.C. Law 20-19, 60 DCR 10874.

Fire and Casualty Amendment Act of 2013

Sept. 19, 2013, D.C. Law 20-18, 60 DCR 9843.

Fire and Emergency Medical Services Major Changes Temporary Amendment Act of 2013

Dec. 5, 2013, D.C. Law 20-42, 60 DCR 14716.

Fiscal Year 2013 Revised Budget Request Temporary Adjustment Act of 2013

Sept. 19, 2013, D.C. Law 20-14, 60 DCR 9554.

Fiscal Year 2014 Budget Support Technical Clarification Temporary Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-56, 60 DCR 15165.

Foster Youth Transit Subsidy Temporary Amendment Act of 2013

Oct. 3, 2013, D.C. Law 20-20, 60 DCR 10876.

Health Benefit Exchange Authority Establishment Temporary Amendment Act of 2013

July 13, 2013, D.C. Law 20-11, 60 DCR 7236.

Heat Wave Safety Temporary Amendment Act of 2013

Oct. 3, 2013, D.C. Law 20-21, 60 DCR 10878.

Home Rule Act

Dec. 24, 2013, D.C. Law 99-999, 99 DCR 123.

Income Tax Secured Bond Authorization Act of 2013

Dec. 5, 2013, D.C. Law 20-46, 60 DCR 14962.

JaParker Deoni Jones Birth Certificate Equality Amendment Act of 2013

Nov. 5, 2013, D.C. Law 20-37, 60 DCR 12145.

Marriage Officiant Amendment Act of 2013

Nov. 5, 2013, D.C. Law 20-36, 60 DCR 12143.

Medical Marijuana Cultivation Center and Dispensary Location Restriction Temporary Amendment Act of 2013

May 18, 2013, D.C. Law 20-2, 60 DCR 4620.

Medical Marijuana Cultivation Center Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-59, 60 DCR 15484.

Medical Marijuana Cultivation Center Temporary Amendment Act of 2013

May 1, 2013, D.C. Law 20-1, 60 DCR 3962.

Older Adult Driver Safety Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-51, 60 DCR 15155.

Permanent Supportive Housing Application Streamlining Temporary Amendment Act of 2013

June 22, 2013, D.C. Law 20-6, 60 DCR 6388.

Personal Property Robbery Prevention Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-50, 60 DCR 15151.

Private Contractor and Subcontractor Prompt Payment Act of 2013

Nov. 5, 2013, D.C. Law 20-34, 60 DCR 11812.

Prohibition on Government Employee Engagement in Political Activity Temporary Amendment Act of 2013

May 18, 2013, D.C. Law 20-4, 60 DCR 4624.

Saving D.C. Homes from Foreclosure Clarification and Title Insurance Clarification Amendment Act of 2013

Nov. 5, 2013, D.C. Law 20-40, 60 DCR 12304.

Saving D.C. Homes from Foreclosure Enhanced Temporary Amendment Act of 2013

Sept. 19, 2013, D.C. Law 20-15, 60 DCR 9559.

School Transit Subsidy Temporary Amendment Act of 2013

Dec. 5, 2013, D.C. Law 20-43, 60 DCR 14718.

Smoking Restriction Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-48, 60 DCR 15145.

Tax Lien Compensation and Relief Reporting Temporary Act of 2013

Dec. 13, 2013, D.C. Law 20-53, 60 DCR 15161.

Tax Revision Commission Report Extension and Procurement Streamlining Temporary Amendment Act of 2013

May 18, 2013, D.C. Law 20-5, 60 DCR 4667.

Teachers' Retirement Amendment Act of 2013

Sept. 19, 2013, D.C. Law 20-16, 60 DCR 9837.

Telehealth Reimbursement Act of 2013

Oct. 17, 2013, D.C. Law 20-26, 60 DCR 11117.

Temporary Assistance for Needy Families Time Extension Temporary Amendment Act of 2013

June 22, 2013, D.C. Law 20-7, 60 DCR 6397.

Testing Integrity Act of 2013

Oct. 17, 2013, D.C. Law 20-27, 60 DCR 11120.

Vending Regulation Temporary Amendment Act of 2013

Oct. 17, 2013, D.C. Law 20-24, 60 DCR 11102.

Veteran Status Driver's License Designation Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-52, 60 DCR 15157.

Visitor Parking Pass Preservation Temporary Amendment Act of 2013

Dec. 13, 2013, D.C. Law 20-58, 60 DCR 15170.

Washington Metropolitan Area Transit Au-**thority Board of Directors Temporary Amendment Act of 2013**

Nov. 5, 2013, D.C. Law 20-39, 60 DCR 12151.

Workers' Compensation Statute of Limitations Temporary Amendment Act of 2013

Oct. 17, 2013, D.C. Law 20-25, 60 DCR 11115.

YMCA Community Investment Initiative Real Property Tax Exemption Temporary Act of 2013

Oct. 3, 2013, D.C. Law 20-23, 60 DCR 10884.

DISTRICT OF COLUMBIA REGISTER TABLE

This table indicates, by citation to the District of Columbia Register, the disposition of the D.C. Laws in the 2001 Edition.

The table is to be used as follows: The first and second columns indicate the citation of the D.C. Laws in the D.C. Register by volume number and page number of the Register. The third column contains the date of the D.C. Law. The fourth column denotes the D.C. Law number. The fifth column indicates the section of the 2001 Edition in which the D.C. Law is treated.

Volume	Page	Date	D.C. Law	2001 D.C. Code
60	3962	May 1, 2013	20-1	7-1671.06 note
	4620	May 18, 2013	20-2	7-1671.06 note
	4622	May 18, 2013	20-3	1-1162.19 note, 1-1162.21 note
	4624	May 18, 2013	20-4	1-625.01 note,
				1-1171.01 note, 1-1171.02 note,
				1-1171.03 note, 1-1171.04 note,
				1-1171.05 note, 1-1171.06 note,
				1-1171.06a note, 1-1171.07 note
	4667	May 18, 2013	20-5	2-352.01 note,
				2-354.07 note, 47-462 note
	6388	June 22, 2013	20-6	2-351.05 note
	6397	June 22, 2013	20-7	4-205.52 note
	6407	June 22, 2013	20-9	1-307.81 note,
				1-307.82 note, 1-307.83 note,
				1-307.87 note, 1-307.90 note,
				1-307.91 note
	7234	July 13, 2013	20-10	7-736.01 note
	7236	July 13, 2013	20-11	2-351.05 note, 31-3171.04 note
	7238	July 13, 2013	20-12	1-328.04 note
	7601	July 23, 2013	20-13	2-218.31 note
	9554	September 19, 2013	20-14	8-105.74 note,
				47-369.01 note, 47-369.02 note
	9559	September 19, 2013	20-15	42-815.01 note,
				42-815.02 note, 42-815.03 note
	9837	September 19, 2013	20-16	38-2021.03
	9839	September 19, 2013	20-17	4-1321.02 note,
				4-1321.02, 38-201, 38-202, 38-203,
				38-205, 38-207, 38-208, 38-209,
				38-209 note, 38-2602
	9843	September 19, 2013	20-18	31-2502.28a, 31-2502.28b
	10874	October 3, 2013	20-19	10-801 note
	10876	October 3, 2013	20-20	35-233 note
	10878	October 3, 2013	20-21	34-1506 note
	10880	October 3, 2013	20-22	31-3171.01 note, 31-3171.09 note
	10884	October 3, 2013	20-23	47-1088 note
	11102	October 17, 2013	20-24	37-131.10 note
	11115	October 17, 2013	20-25	32-1535 note
	11117	October 17, 2013	20-26	31-3861,
				31-3862, 31-3863
	11120	October 17, 2013	20-27	38-771.01,
				38-771.02, 38-771.03, 38-771.04,
				38-771.05,
				38-771.06, 38-771.07, 38-2602
	11128	October 17, 2013	20-28	9-202.01 note
	11130	October 17, 2013	20-29	9-204.01 note
	11132	October 17, 2013	20-30	9-204.01 note
	11535	October 17, 2013	20-31	1-1001.02,
				1-1001.08, 1-1001.16, 1-1001.17
	11779	October 17, 2013	20-32	9-204.01 note
	11781	October 17, 2013	20-33	2-1215.541
	11812	November 5, 2013	20-34	27-131,
				27-132, 27-133, 27-134, 27-135,
				27-136
	11815	November 5, 2013	20-35	9-202.01 note
	12143	November 5, 2013	20-36	46-406
	12145	November 5, 2013	20-37	7-205,

Volume	Page	Date	D.C. Law	2001 D.C. Code
60	12145	November 5, 2013	20-37	7-210, 7-210.01, 7-217, 16-2501 note, 16-2502R, 16-2503
	12149	November 5, 2013	20-38	16-803 note, 16-803.01 note
	12151	November 5, 2013	20-39	9-1108.11 note
	12304	November 5, 2013	20-40	26-551.20, 26-551.20 note, 31-1131.05b, 31-1131.06, 31-1131.07b, 31-1131.08, 31-3412, 31-5031.01, 31-5031.04, 31-5031.09, 31-5031.11, 31-5031.12, 31-5031.13, 31-5031.16, 31-5031.18, 31-5031.20, 31-5041.01, 31-5041.02, 31-5041.05, 31-5041.06, 31-5041.07, 42-815.01, 42-815.01 note, 42-815.02, 42-815.03, 42-815.04 10-801 note 5-401 note 35-233 note 1-204.24b note, 1-611.09 note 4-753.01 note
	14714	Dec. 5, 2013	20-41	34-1434, 34-1501, 34-1501.01, 34-1518, 34-1518.01, 34-1521, 34-1522 7-1702, 7-1702 note, 7-1703, 7-1703 note, 7-1704, 7-1704 note, 7-1706, 7-1706 note 10-1141.03, 10-1141.04, 50-1401.01, 50-2201.04d 16-803, 16-803.01, 47-2837, 47-2844 50-2001, 50-2002, 50-2003 50-1401.01, 50-1401.01 note, 50-1401.03, 50-1401.03 note 1-350.05 note 47-1332 note, 47-1347 note, 47-1377 note 4-205.72a note, 4-753.04 note, 47-2005 note, 47-4701 note 1-1162.25 note 50-2537 note 7-1671.06 1-301.82, 1-608.51a, 1-608.52, 1-608.53, 1-608.54, 1-608.55, 1-608.56, 1-608.57, 1-608.61, 1-608.62, 1-608.63, 1-608.64, 1-608.65, 1-608.66, 1-1001.08, 1-1001.10, 1-1001.11, 1-1001.15, 1-1162.26, 1-1163.04, 1-1163.19, 1-1163.33, 1-1163.36
	14716	Dec. 5, 2013	20-42	
	14718	Dec. 5, 2013	20-43	
	14957	Dec. 5, 2013	20-44	
	14959	Dec. 5, 2013	20-45	
	14962	Dec. 5, 2013	20-46	
	15138	Dec. 13, 2013	20-47	
	15145		20-48	
	15148		20-49	
	15151		20-50	
	15155		20-51	
	15157		20-52	
	15161		20-54	
	15163		20-55	
	15165		20-56	
	15168		20-57	
	15170		20-58	
	15484		20-59	
	15487		20-60	

EMERGENCY ACT TABLE

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
Jan. 25, 2013	20-1	2	38-409	Jan. 29, 2013	20-3	302	25-1004R,
Jan. 29, 2013	20-2	2	50-921.16				25-1005R,
	20-3	101(a), (b)	50-1901				25-1006R,
		101(c)(1)	50-1901				25-1007R,
		101(c)(2)	50-1902R				25-1008R,
		101(c)(3)	50-1903				25-1009R
		101(c)(4)	50-1904			303	5-1501.08
		101(d)(1)	50-1904.01,			304(a)	1-620.24
			50-1904.02			304(b)	1-620.33
		101(d)(2)	50-1905			305	24-211.23
		101(d)(3)	50-1906			306	50-1301.37
		101(d)(4)	50-1907			307	50-1403.01
		101(e)	50-1908,		20-4	2	7-1671.06
			50-1909,	Jan. 31, 2013	20-6	2	47-2005
			50-1910,		20-7	2(a)	50-921.02
			50-1911,			2(b)	50-921.13
			50-1912		20-8	2	47-355.05
		102(a)	50-2201.02	Feb. 20, 2013	20-9	2	1-328.03
		102(b)	50-2201.03		20-10	2	10-801
		102(c)	50-2201.04			3	10-801
		102(d)	50-2201.04b		20-11	2	10-801
		102(e)	50-2201.05		20-12	2	4-753.04
		102(f)	50-2201.05b	Feb. 22, 2013	20-16	2	47-2829
		102(g)	50-2201.05c,	Mar. 1, 2013	20-15	2	47-4645
			50-2201.05d		20-19	2	47-462
		102(h)	50-2201.07			3(a)	2-352.01
		103(a)-(d)	50-2205.01			3(b)	2-354.07
		103(e)(2)	50-2205.02R		20-20	2	5-405
		(A)		Mar. 5, 2013	20-18	2	7-1671.06
		103(e)(2)	50-2205.03R	Mar. 7, 2013	20-23	2-4	1-325.191
		(B)			20-24	2(a)	1-1162.19
		103(e)(2)	50-2206.01			2(b)	1-1162.21
		(C)			20-25	2(h)	1-625.01
		103(e)(3)	50-2206.11,			2(a)	1-1171.01
			50-2206.12,			2(b)	1-1171.02
			50-2206.13,			2(c)	1-1171.03
			50-2206.14,			2(d)	1-1171.04
			50-2206.15,			2(e)	1-1171.05R
			50-2206.16,			2(f)	1-1171.06
			50-2206.17,			2(g)	1-1161.01
			50-2206.18,			2(h)	1-1171.07
			50-2206.31,	Mar. 14, 2013	20-26	2	4-205.52
			50-2206.32,	Mar. 19, 2013	20-33	2(a)	5-701
			50-2206.33,			2(b)	5-704
			50-2206.34,			2(c)	5-706
			50-2206.35,			2(d)	5-712
			50-2206.36,			2(e)	5-716
			50-2206.51,			2(f)	5-723.01
			50-2206.52,			2(g)	5-723.03,
			50-2206.53,				5-723.04,
			50-2206.54,				5-723.05
			50-2206.55,		20-35	2(a)	1-905.03
			50-2206.56,			2(b)	1-911.03
			50-2206.57,			3	1-905.03,
			50-2206.58,				1-911.03
			50-2206.59		20-36	2	1-620.44
		201	5-1501.07		20-37	2	4-251.03
		202	5-1419				
		301	14-307	Mar. 20, 2013	20-39	2(a)	1-307.81

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
Mar. 20, 2013	20-39	2(b)	1-307.82	Apr. 1, 2013	20-45	101	22-3571.01
		2(c)	1-307.83			102	22-3571.02
		2(d)	1-307.87			111(a)(1)	22-3222
		2(e)	1-307.90			111(a)(2)	22-3227.03
		2(f)	1-307.91			111(a)(3)	22-712
Mar. 25, 2013	20-41	2(a)	38-2021.01			111(b)	22-902
		2(b)	38-2021.03			111(c)(1)	47-4101
		2(c)	38-2021.04			111(c)(2)	47-4102
		2 (d)	38-2021.05			112	2-381.09
		2(e)	38-2021.07a			112(b)	22-1323
		2(f)	38-2021.08			112(c)	32-213
		2(g)	38-2021.09			112(d)	32-1011
		2(h)	38-2021.13			112(e)	32-1307
		2(i)	38-2021.14R			112(f)	47-2853.27
		2(j)	38-2021.15a			112(g)	50-1501.04
		2(k)	38-2021.17			113(a)	8-111.09
		2(l)	38-2021.18			113(b)	8-1906
		2(m)	38-2021.26			113(c)	25-785
		2(n)	38-2021.27			113(d)(1)	47-4103
						113(d)(2)	47-4106
Mar. 26, 2013	20-43	2	2-351.05			113(e)	50-2201.04
Mar. 27, 2013	20-46	2(a)	1-604.06			113(f)(1)	50-2206.13
		2(b)	1-609.03			113(f)(2)	50-2206.15
Apr. 1, 2013	20-44	3	38-2652			113(f)(3)	50-2206.18
		101	22-1211			113(f)(4)	50-2206.32
		102	22-1307			113(f)(5)	50-2206.34
		103	22-1321			113(f)(6)	50-2206.36
		104	22-1510			113(g)	48-711
		105	22-2601			201(a)	22-1514
		106	22-4233			201(b)	22-2107
		107(a)	23-1331			201(c)	22-404
		107(b)	23-1905			201(d)	22-404.01
		107(c)	23-1322			201(e)	22-2802
		201	5-301			201(f)	22-2803
		202	5-301			201(g)	22-2704
		301(a)	48-902.01			201(h)	22-3302
		301(b)	48-902.04			201(i)	22-3305
		301(c)	48-902.06			201(j)	22-3307
		301(d)	48-902.08			201(k)	22-303
		301(e)	48-902.10			201(l)	22-3306
		301(f)	48-904.08			201(m)	22-3301
		401	22-404.02,			201(n)	22-1701
			22-404.03			201(o)	22-1702
		402	50-329.05			201(p)	22-1703
		501	1-610.52			201(q)	22-1705
		502	3-1205.24			201(r)	22-1706
		503(a)	3-1354			201(s)	22-1708
		503(b)	3-1357R			201(t)	22-1713
		504(a)	4-1701.01			201(u)	22-2201
		504(b)	4-1704.03			201(v)	22-1502
		505	5-107.04			201(w)	22-3309
		506	5-417.02			201(x)	22-4404
		507	5-1501.11			201(y)	22-1803
		508	7-2271.02			201(z)	22-1805a
		509	16-914			201(aa)	22-1807
		510	22-4131			202(a)	22-405
		511	47-2811			202(b)	22-2501
		512	50-1401.01b			202(c)	22-1321
		513	2-1515.02			203(a)(1)	22-1301
		514	3-801R			203(a)(2)	22-2722
		515	3-901R —				
			3-907				

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
Apr. 1, 2013	20-45	203(b)	22-407	Apr. 1, 2013	20-45	221	22-1510
		204	22-601			222	22-1513
		205(a)	22-3212			223	22-1810
		205(b)	22-3213			224	22-1837
		205(c)	22-3214			225	22-2304
		205(d)	22-3214.01			226	22-2601
		205(e)	22-3214.02			227	22-2603.03
		205 (f)	22-3215			228	22-2701
		205(g)	22-3216			229(a)	22-2705
		205(h)	22-3218.04			229(b)	22-2706
		205(i)	22-3222			229(c)	22-2707
		205(j)	22-3223			229(d)	22-2710
		205(k)	22-3224			229(e)	22-2711
		205(l)	22-3225.04			229(f)	22-2712
		205(m)	22-3226.10			230	22-2716
		205(n)	22-3227.03			231	22-2752
		205(o)	22-3231			232(a)	22-3002
		205(p)	22-3232			232(b)	22-3003
		205(q)	22-3233			232(c)	22-3004
		205(r)	22-3234			232(d)	22-3005
		205(s)	22-3242			232(e)	22-3006
		205(t)	22-3251			232(f)	22-3008
		205(u)	22-3252			232(g)	22-3009
		205(v)	22-712			232(h)	22-3009.01
		205(w)	22-713			232(i)	22-3009.02
		205(x)	22-2402			232(j)	22-3009.03
		205(y)	22-2403			232(k)	22-3009.04
		205(z)	22-2404			232(l)	22-3010
		205(aa)	22-2405			232(m)	22-3010.01
		205(bb)	22-722			232(n)	22-3010.02
		205(cc)	22-723			232(o)	22-3013
		206(a)	22-951			232(p)	22-3014
		206(b)	22-811			232(q)	22-3015
		206(c)	22-2731			232(r)	22-3016
		206(d)	22-3531			233	22-3103
		206(e)	22-851			234	22-3312.04
		206(f)	22-1931			235	22-3402
		207	22-902			236	22-4015
		208	22-936			237	22-4134
		209(a)	22-101			238	22-4331
		209(b)	22-1012			239	22-4402
		210	22-1006.01			240(a)	22-4503
		211	22-1101			240(b)	22-4504
		212	22-1102			240(c)	22-4515
		213(a)	22-2511			251	48-109
		213(b)	22-1341			252(a)	48-904.01
		213(c)	22-1211			252(b)	48-904.02
		213(d)	22-3134			252(c)	48-904.03
		214(a)	22-1307			252(d)	48-904.07
		214(b)	22-1312			252(e)	48-904.10
		214(c)	22-1314.02			252(f)	48-904.03a,
		214(d)	22-3310				48-921.02
		214(e)	22-3311			253	48-1005
		215	22-1319			254	48-1103
		216	22-1322			261	50-351
		217	22-1402			262	50-371
		218	22-1405			263	50-405
		219(a)	22-1406			264	50-607
		219(b)	22-3318			265	50-1215
		220	22-1409			266(a)	50-1301.74

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
Apr. 1, 2013	20-45	266(b)	50-1301.75	Apr. 1, 2013	20-45	286(m)	47-2408
		267	50-1331.08			286(n)	47-2409
		268(a)	50-1401.01			286(o)	47-2421
		268(b)	50-1401.02			286(p)	47-2707
		268(c)	50-1403.01			286(q)	47-2808
		268(d)	50-1403.03			286(r)	47-2839.01
		269	50-1507.03			286(s)	47-2846
		270	50-1912			286(t)	47-2850
		271(a)	50-2201.03			286(u)	47-2883.04
		271(b)	50-2201.04b			286(v)	47-2884.16
		271(c)	50-2201.05b			286(w)	47-2885.20
		271(d)	50-2201.05c			286(x)	47-2886.14
		271(e)	50-2201.05d			286(y)	47-2887.14
		272	50-2206.16			286(z)	47-3409
		273	50-2201.28			286(aa)	47-3719
		274	50-2203.01			286(bb)	47-4101
		275(a)	50-2302.02			286(cc)	47-4102
		275(b)	50-2303.02			286(dd)	47-4103
		276(a)	50-2421.04			286(ee)	47-4104
		276(b)	50-2421.09			286(ff)	47-4105
		276(c)	50-2421.10			286(gg)	47-4107
		277	50-2632			286(hh)	47-4405
		281(a)	16-1005			286(ii)	47-4406
		281(b)	16-1024			301	18-112
		281(c)	16-2336			302	20-102
		281(d)	16-2348			303(a)	22-2104
		281(e)	16-2364			303(b)	22-2105
		281(f)	16-2394			303(c)	22-2106
		281(g)	16-5103			303(d)	22-401
		282	21-591			303(e)	22-402
		283(a)	23-542			303(f)	22-403
		283(b)	23-543			303(g)	22-406
		283(c)	23-703			303(h)	22-2801
		283(d)	23-1108			303(i)	22-2001
		283(e)	23-1110			303(j)	22-301
		283(f)	23-1111			303(k)	22-302
		283(g)	23-1327			303(l)	22-801
		283(h)	23-1329			303(m)	22-3319
		284(d)	25-101			303(n)	22-1403
		284(a)	25-434			303(o)	22-1404
		284(b)	25-772			303(p)	22-1704
		284(c)	25-831			303(q)	22-501
		285(a)	28-2305			303(r)	22-1901
		285(b)	28-3313			303(s)	22-3303
		285(c)	28-3817			303(t)	22-1804a
		285(d)	28-4505			304	22-4503
		285(e)	28-4506			305	22-2501
		285(f)	28-4607			306(a)	22-2708
		286(a)	47-102			306(b)	22-2709
		286(b)	47-391.03			307(a)	22-3154
		286(c)	47-821			307(b)	22-3155
		286(d)	47-828			308	22-704
		286(e)	47-850.02			309(a)	22-4504
		286(f)	47-863			309(b)	22-4514
		286(g)	47-861			309(c)	22-4515a
		286(h)	47-1805.04			310	22-4502
		286(i)	47-2014			311(a)	23-1328
		286(j)	47-2018			311(b)	23-1329
		286(k)	47-2106			312	24-403.01
		286(l)	47-2406			410	7-2507.06

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code	
Apr. 12, 2013	20-48	2	1-328.04				50-2206.59	
Apr. 15, 2013	20-49	2	31-3171.04			201	5-1501.07	
		3	2-351.05			202	5-1419	
Apr. 17, 2013	20-51	101(a)	50-1901			301	14-307	
		101(b)	50-1905			302	25-1004R — 25-1009	
		101(c)(1)	50-1901				5-1501.08	
		101(c)(2)	50-1902R			303	1-620.24	
		101(c)(3)	50-1903			304(a)	1-620.33	
		101(c)(4)	50-1904			304(b)	24-211.23	
		101(d)(1)	50-1904.01, 50-1904.02			305(a), (b)	50-1301.37	
						306	50-1403.01	
		101(d)(2)	50-1905		20-53	307	7-736.01	
		101(d)(3)	50-1906	Apr. 22, 2013	20-50	2	50-2111,	
		101(d)(4)	50-1907			101	50-2201.31	
		101(e)	50-1908, 50-1909, 50-1910, 50-1911, 50-1912			102	50-2209.11,	
						103	50-2201.32	
						104	50-2201.33	
						105	50-2301.05	
						106	50-2201.28	
		102	50-2201.02			201	50-2111,	
		102(b)	50-2201.03			401 (a)	50-2201.31 — 50-2201.32, 50-2209.11, 50-2301.05 50-2201.28	
		102(c)	50-2201.04					
		102(d)	50-2201.04b					
		102(e)	50-2201.05R					
		102(f)	50-2201.05b					
		102(g)	50-2201.05c, 50-2201.05d		20-52	401(b)	25-101	
						2(a)	25-110	
		102(h)	50-2201.07			2(b)	25-112	
		103(a)	50-2205.02			2(c)	25-113	
		103(b)	50-2205.02			2(d)	25-115	
		103(c)	50-2205.02			2(e)	25-117	
		103(d)	50-2205.02			2(f)	25-124	
		103(e)(1)	50-2205.02			2(g)	25-212	
		103(e)	50-2205.02R			2(h)	25-301	
		(2)(A)				2(i)	25-315	
		103(e)	50-2205.03R			2(j)	25-332	
		(2)(B)				2(k)	25-374	
		103(e)	50-2206.01			2(l)	25-402	
		(2)(C)				2(m)	25-403	
		103(e)(3)	50-2206.11, 50-2206.12, 50-2206.13, 50-2206.14, 50-2206.15, 50-2206.16, 50-2206.17, 50-2206.18, 50-2206.31, 50-2206.32, 50-2206.33, 50-2206.34, 50-2206.35, 50-2206.36, 50-2206.51, 50-2206.52, 50-2206.53, 50-2206.54, 50-2206.55, 50-2206.56, 50-2206.57, 50-2206.58,				2(n)	25-421
						2(o)	25-432	
						2(p)	25-433	
						2(q)	25-446	
						2(r)	25-446.01, 25-446.02	
						2(s)	25-501	
						2(t)	25-601	
						2(u)	25-601.01	
						2(v)	25-609	
						2(w)	25-711	
						2(x)	25-722	
						2(y)	25-723	
						2(z)	25-724	
						2(aa)	25-725	
						2(bb)	25-783	
						2(cc)	25-791	
						2(dd)	25-823	
						2(ee)	25-826	
						2(ff)	25-830	
						2(gg)	47-2002	
						3(a)		

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
Apr. 22, 2013	20-52	4	25-101,	June 19, 2013	20-84	2	37-131.10
			25-110,			4	37-131.10
			25-112,		20-85	2(a)	1-307.81
			25-113,			2(b)	1-307.82
			25-115,			2(c)	1-307.83
			25-117,			2(e)	1-307.90
			25-124,			2(f)	1-307.91
			25-212,			3	1-307.81 —
			25-301,				1-307.83,
			25-315,				1-307.87,
			25-332,				1-307.90,
			25-374,		20-86		1-307.91
			25-402,			2, 3	4-205.52
			25-403,	20-87	2(a)		31-3171.01
			25-421,			2(b)	31-3171.09
			25-432,			2(c)	31-3171.09,
			25-433,	20-88	2, 3		31-3171.09
			25-446,				47-1088
			25-446.01,	June 27, 2013	20-98	2, 3	32-1535
			25-446.02,	July 1, 2013	20-99	2(a)	16-803
			25-501,			2(b)	16-803.01
			25-601,			3	16-803,
			25-601.01,	July 9, 2013	20-105	2, 3	16-803.01
			25-609,				9-1108.11
			25-711,	July 12, 2013	20-106	2	6-321.01
			25-722,	July 23, 2013	20-113	2, 3	10-801
			25-723,	July 24, 2013	20-117	2(a)	42-815.01
			25-724,			2(b)	42-815.02
			25-725,			2(c)	42-815.03
			25-783,	July 26, 2013	20-125	2	31-3171.04
			25-791,			3	2-351.05
			25-823,			4	31-3171.04
			25-826,	July 30, 2013	20-130	1002	1-611.03
			25-830			1012	1-325.221
			1-328.05			1013	1-325.222
Apr. 23, 2013	20-55	2, 3	47-4654			1014	1-325.223
			47-1086			1015	1-325.224
			47-902			1016	1-325.225
			7-1671.06			1017	1-325.226
Apr. 27, 2013	20-61	2, 3	35-233			1022	10-551.02
May 11, 2013	20-65	2	10-801			1032(a)	1-307.81
May 15, 2013	20-66	2	47-462			1032(b)	1-307.82
			2-352.01			1032(c)	1-307.83
			2-354.07			1032(d)	1-307.85
May 16, 2013	20-71	2(a)	42-815.01			1032(e)	1-307.86
			42-815.02			1032(f)	1-307.87
			42-815.03			1032(g)	1-307.90
		2(c)	38-2021.03			1032(h)	1-307.91
			8-105.74R			1032(i)	1-307.95
May 23, 2013	20-72	2	50-2201.04			1042(a)	1-1431
	20-74	5	50-2302.02			1042(b)	1-1433
	20-75	2	50-1301.37			1052	37-101
		3	23-581			1062	2-1313
		4	50-2206.55			1063	2-1373
		5	50-2201.04,			1064	2-1392
		6	50-2302.02,			1072(a)	1-609.03
		8	50-1301.37,			1072(b)	1-610.52
			23-581,			1082	3-1433
			50-2206.55			1092	1-328.11
			34-1506.01			1093	1-328.12
June 14, 2013	20-83	2				1094	1-328.13

EMERGENCY ACT TABLE

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
July 30, 2013	20-130	1095	1-328.14	July 30, 2013	20-130	4052(b)	39-114
		1096	1-328.15			4062	1-609.03
		1097	1-328.16			4072	38-211
		1102	1-333.10			40 82	38-2803
		2002(a)	1-328.04			4092	38-191
		2002(b)	1-325.211			4102	38-2913
		2003	39-204			4112	2-1515.01,
		2012	32-1603				2-1517.51,
		2022	51-119				2-1515.04,
		2032	51-104				2-1515.04a,
		2042	51-103				2-1517.01,
		2052	32-1505				2-1517.02,
		2062(a)	32-1301				2-1517.31,
		2062(b)	32-1303				2-1517.32,
		2062(c)	32-1305				2-1517.51,
		2062(d)	32-1306				2-1517.52,
		2063	32-1012				4-1301.02,
		2064	2-220.08				4-1301.03e,
		2072	42-2802				7-1131.02,
		2082(a)	1-325.161				7-1131.17,
		2082(b)	1-325.162				7-1131.18,
		2082(c)	1-325.163				7-1131.19,
		2082(d)	1-325.164				38-201,
		2083	1-325.161— 1-325.16				38-203,
		2092,	4-753.05				38-2602
		2093				4122	38-2971.01,
		2102,	10-1906				1-325.44
		2103				5002	7-1405
		2112	35-233			5012	7-771.05a
		2122(a)	42-2802			5022(a)	47-1270
		2122(b)	42-2812.03			5022(b)	47-1271
		2132	10-801			5022(c)	47-1273
		2142	2-1215.57			5022(d)	47-1274
		2152	38-1271.01			5032	7-761.05a
		3002	24-211.02			5042	1-307.02
		3012(a)	47-2839			5052(a)	4-201.01
		3012(b)	47-2839.01			5052(b)	4-201.15
		3012(c)	47-2853.11			5062	7-736.01
		3022	34-1803.03			5072	44-651
		3032	4-551			5073	44-652
		3033	4-552			5074	44-653
		3034	4-553			5075	44-654
		3041-3045	16-2305.01			5076	44-655
		3062	1-611.03			5077	44-656
		3062(a)	24-1301			5078	44-657
		3062(b)	24-1302			5079	44-658
		3062(c)	24-1303			5080	44-659
		3063	5-405			5102	10-303
		3064	5-441			5112	7-1141.01
		3072	22-4234			5113	7-1141.02
		4002(a)	38-2903			5114	7-1141.03
		4002(b)	38-2904			5115	7-1141.04
		4002(c)	38-2905			5116	7-1141.05
		4022	38-2906.02			5117	7-1141.06
		4032	38-2671			5118	7-1141.07
		4033	38-2672			5119	7-1141.08
		4034	38-2673			5120	7-1141.09
		4035	38-2671			5122	4-205.52
		4042	38-1271.01			5132	7-1141.01
		4052(a)	39-107			5142	4-205.11c

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
July 30, 2013	20-130	5152	4-205.11c				50-327,
		5153(a)	4-202.05				50-328,
		5153(b)	4-205.11b				50-329,
		5153(c)	4-205.72a				50-329.01,
		5153(d)	4-205.19a				50-329.02,
		5162,	4-204.07				50-329.03,
		5163					50-351,
		5172	4-753.01				50-371
		5182(a)	4-751.01			7008	42-1 903.01
		5182(b)	4-752.01			7009	47-4658
		5182(c)	4-753.01			7010	47-4659
		5182(d)	4-754.13			7011	4-1301.02,
		5182(e)	4-754.32				4-1301.04,
		5182(f)	4-754.33				4-1306.01
		5182(g)	4-754.36			7012	4-1303.03,
		5182(h)	4-754.36a				4-1303.08,
		5182(i)	4-756.03				4-1403.09
		5192	4-753.01a			7013	8-105.74R
		6002	50-2201.33			7014	47-1086
		6012	50-2201.03			7015	2-362.03,
		6013	50-2421.09				2-358.03,
		6022	8-103.09b				2-361.01,
		6032	50-2531.01				2-352.06
		6033	50-2603			7016	38-351,
		6034	50-921.15				38-353,
		6042	50-320				38-354,
		6052	50-1604				38-355
		6062	9-425.01			7017	7-1703,
		6072	8-438.01				47-2829,
		6102,	50-921.01				50-303,
		6103					50-307,
		6112	50-921.33				50-307.02,
		6122	50-921.02				50-329.03,
		6133	50-2201.03				50-329.04,
		7002	47-1005.01				50-319,
		7003	47-4635				50-320,
		7004	47-4605				50-325,
		7005	47-4657				50-327,
		7006	47-4639				50-328,
		7007	47-2829,				50-329,
			50-301,				50-329.02
			50-302,			7018	47-4656
			50-303,			7019	32-1321.05,
			50-304,				32-1321.06,
			50-305,				32-1321.12,
			50-306,				47-1806.06
			50-307,			7022-7024	47-4608
		50-307.01,				7032(a)	1-350.02
		50-308,				7032(b)	1-350.02a
		50-309,				7032(c)	1-350.04
		50-309.02,				7033	38-1251.01
		50-310,				7042	1-325.231
		50-311,				7052,	47-1002
		50-312,				7053	
		50-313,				7062	47-4654
		50-317,				7072	47-4660
		50-319,				7082	47-1803.02
		50-320,				7102(b)	47-1801.04
		50-324,				7102(c)	47-1805.02a
		50-325,				7102(d)	47-1810.04,
		50-326,					47-1810.05,

EMERGENCY ACT TABLE

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
		7103	47-1810.06, 47-1810.07, 47-1810.08 47-1801.04, 47-1805.02a, 47-1810.04— 47-1010.08	July 30, 2013	20-130	7362, 7363 8002 8012 8022 8032(a) 8032(b) 8032(c) 8033 8042(a) 8042(b) 8042(c) 8042(d) 8043 9018 10003 10004 10005 10006 2, 3 101(a) 101(b) 102 201 301, 302 303(a) 303(b) 303(c)	47-2005 1-308.01 47-2763 47-392.02 2-1217.72 2-1217.73 2-1217.73b 2-1217.73 10-1801 10-1803 10-1804 10-1805 47-895.23 42-2812.03 35-233 50-921.34 1-325.251 47-2002 1-328.04 38-201 38-207 38-2602 38-231 4-1321.02R 38-202 38-203 38-205
		7132	47-4652				
		7142	47-462				
		7143(a)	2-352.01				
		7143(b)	2-354.07				
		7152	42-1102				
		7153	47-902				
		7154	47-1005.02				
		7155	47-2202				
		7156	47-3802				
		7157(b)	47-4702				
		7157(c)	47-4704				
		7158(a)	47-2884.03		20-132		
		7158(b)	47-2884.05		20-133		
		7158(c)	47-2884.09				
		7158(d)	47-2884.11				
		7158(e)	47-2884.17				
		7159	47-2202				
		7162(a)	47-4701				
		7162(b)	47-4703				
		7172	47-501				
		7182	47-1812.08	July 31, 2013	20-140	2 3 5	1-204.24b 1-611.09 1-204.24b, 1-611.09
		7192	47-2862				
		7212(a)	10-1202.05				
		7212(b)	10-1202.08a				
		7212(c)	10-1202.18		20-141	2	42-1102
		7222	47-4661		20-142	2(a) 2(b)	47-2837 47-2844
		7232	1-301.152				
		7242	39-205.01		20-143	2(a) 2(b) 2(c) 2(d) 3(a) 3(b) 3(c) 3(d) 3(e)	1-1001.08 1-1001.10 1-1001.11 1-1001.15 1-1162.26 1-1163.04 1-1163.19 1-1163.33 1-1163.36
		7243	47-2002				
		7262	47-1091				
		7272	47-1089				
		7282	1-301.153				
		7292	47-2301				
		7302(a)	47-1002				
		7302(b)	47-1005.01				
		7303	47-1090				
		7312	47-3931, 47-3932, 47-3933, 47-3934		20-144 20-145 20-146	2 2-5 2	2-1215.54 35-233 38-2021.03
		7313	4-753.01a	Aug. 2, 2013	20-147	2	4-753.01
		7314	1-325.241	Aug. 5, 2013	20-150	2	5-401
		7315	47-3931 — 47-3934, 1-325.241, 4-753.01a	Aug. 6, 2013	20-151	2, 3	47-4659
				Sept. 26, 2013	20-170	2(a) 2(b) 2(c)	31-3171.01 31-3171.09 31-3171.09, 31-3171.09b 31-3171.01, 31-3171.09, 31-3171.09, 31-3171.09
		7322, 7323	47-863			3	
		7332	47-2402				
		7342(a)	47-441				
		7342(b)	47-441	Sept. 27, 2013	20-169	3(a) 3(b)	50-306 50-313
		7342(c)	47-443				
		7342(d)	47-445	Sept. 30, 2013	20-166	2	47-340.28

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code	
Sept. 30, 2013	20-168	2(a)	16-803	Oct. 17, 2013	20-204	1095	1-328.14	
		2(b)	16-803.01			1096	1-328.15	
	20-171	2	37-131.10			1097	1-328.16	
	20-172	2	50-2538,			1102	1-333.10	
			50-2539,			2002(a)	1-328.04	
Oct. 4, 2013			50-2540			2002(b)	1-325.211	
		3	50-2538 —	2003		2003	39-204	
			50-2540	2012		2012	32-1603	
	20-176	2	1-350.05	2022		2022	51-119	
	20-177	2, 3	32-1535	2032		2032	51-104	
	20-178	2, 3	47-1089	2042		2042	51-103	
	20-179	2(a)	47-1332	2052		2052	32-1505	
		2(b)	47-1347.01	2062(a)		2062(a)	32-1301	
		2(c)	47-1377	2062(b)		2062(b)	32-1303	
	20-180	2(a)	4-753.04	2062(c)		2062(c)	32-1305	
		2(b)	47-4701	2062(d)		2062(d)	32-1306	
		2(c)	4-753.05	2063		2063	32-1012	
		3(a)	4-753.05	2064		2064	2-220.08	
		3(b)	47-4701	2072		2072	42-2802	
		3(c)	4-753.05	2082(a)		2082(a)	1-325.161	
		4	4-205.72a	2082(b)		2082(b)	1-325.162	
		5	47-2005	2082(c)		2082(c)	1-325.163	
		6	4-753.05,	2082(d)		2082(d)	1-325.164	
			4-205.72a	2092,		2092,	4-753.05	
				2093		2093		
	20-181	2(a-1)	1-1162.25	2102,		2102,	10-1906	
	20-182	2-4	1-611.01	2103		2103		
	Oct. 17, 2013	20-198	2(a)	50-921.02	2112		2112	35-233
			2(b)	50-921.16	2122(a)		2122(a)	42-2802
			2(c)	50-921.16	2122(b)		2122(b)	42-2812.03
20-199		2(a)	47-2837	2132		2132	10-801	
		2(b)	47-2844	2142		2142	2-1215.57	
20-203		2, 3	35-233	2152		2152	38-1271.01	
20-204		1002	1-611.03	3002		3002	24-211.02	
		1012	1-325.221	3012(a)		3012(a)	47-2839	
		1013	1-325.222	3012(b)		3012(b)	47-2839.01	
		1014	1-325.223	3012(c)		3012(c)	47-2853.11	
		1015	1-325.224	3022		3022	34-1803.03	
		1016	1-325.225	3032		3032	4-551	
		1017	1-325.226	3033		3033	4-552	
		1022	10-551.02	3034		3034	4-553	
		1032(a)	1-307.81	3041-3045		3041-3045	16-2305.01	
		1032(b)	1-307.82	3052		3052	1-611.03	
		1032(c)	1-307.83	3053		3053	5-405	
		1032(d)	1-307.85	3054		3054	5-441	
		1032(e)	1-307.86	3062(a)		3062(a)	24-1301	
		1032(f)	1-307.87	3062(b)		3062(b)	24-1302	
		1032(g)	1-307.90	3062(c)		3062(c)	24-1303	
		1032(h)	1-307.91	3072		3072	22-4234	
		1032(i)	1-307.95	4002(a)		4002(a)	38-2903	
		1042(a)	1-1431	4002(b)		4002(b)	38-2904	
		1042(b)	1-1433	4002(c)		4002(c)	38-2905	
		1052	37-101	4022		4022	38-2906.02	
		1062	2-1313	4032		4032	38-2671	
		1063	2-1373	4033		4033	38-2672	
		1064	2-1392	4034		4034	38-2673	
		1072(a)	1-609.03	4042		4042	38-1271.01	
		1072(b)	1-610.52	4052(a)		4052(a)	39-107	
		1082	3-1433	4052(b)		4052(b)	39-114	
		1092	1-328.11	4062		4062	1-609.03	
		1093	1-328.12	4072		4072	38-211	
		1094	1-328.13					

EMERGENCY ACT TABLE

Date	Act	Section	2001 D.C. Code	Date	Act	Section	2001 D.C. Code
Oct. 17, 2013	20-204	4082	38-2803	Oct. 17, 2013	20-204	5153(d)	4-205.19a
		4092	38-191			5162,	4-204.07
		4102	38-2913			5163	
		4112	2-1515.01,			5172	4-753.01
			2-1517.51,			5182(a)	4-751.01
			2-1515.04,			5182(b)	4-752.01
			2-1515.04a,			5182(c)	4-753.01
			2-1517.01,			5182(d)	4-754.13
			2-1517.02,			5182(e)	4-754.32
			2-1517.31,			5182(f)	4-754.33
			2-1517.32,			5182(g)	4-754.36
			2-1517.51,			5182(h)	4-754.36a
			2-1517.52,			5182(i)	4-756.03
			4-1301.02,			5192	4-753.01a
			4-1301.03e,			6002	50-2201.33
			7-1131.02,			6012	50-2201.03
			7-1131.17,			6013	50-2421.09
			7-1131.18,			6022	8-103.09b
			7-1131.19,			6032	50-2531.01
			38-201,			6033	50-2603
			38-203,			6034	50-921.15
			38-2602			6042	50-320
	4122		38-2971.01,			6052	50-1604
			1-325.44			6062	9-425.01
	5002		7-1405			6072	8-438.01
	5012		7-771.05a			6102,	50-921.01
	5022(a)		47-1270			6103	
	5022(b)		47-1271			6112	50-921.33
	5022(c)		47-1273			6122	50-921.02
	5022(d)		47-1274			6133	50-2201.03
	5032		7-761.05a			7002	47-1005.01
	5042		1-307.02			7003	47-4635
	5052(a)		4-201.01			7004	47-4605
	5052(b)		4-201.15			7005	47-4657
	5062		7-736.01			7006	47-4639
	5072		44-651			7007	47-2829,
	5073		44-652				50-301,
	5074		44-653				50-302,
	5075		44-654				50-303,
	5076		44-655				50-304,
	5077		44-656				50-305,
	5078		44-657				50-306,
	5079		44-658				50-307,
	5102		10-303				50-307.01,
	5112		7-1141.01				50-308,
	5113		7-1141.02				50-309,
	5114		7-1141.03				50-309.02,
	5115		7-1141.04				50-310,
	5116		7-1141.05				50-311,
	5117		7-1141.06				50-312,
	5118		7-1141.07				50-313,
	5119		7-1141.08				50-317,
	5120		7-1141.09				50-319,
	5122		4-205.52				50-320,
	5132		7-1141.01				50-324,
	5142		4-205.11c				50-325,
	5152		4-205.11c				50-326,
	5153(a)		4-202.05				50-327,
	5153(b)		4-205.11b				50-328,
	5153(c)		4-205.72a				50-329,
							50-329.01,

EMERGENCY ACT TABLE

454

[illegible]

Date	Act	Section	2001 D.C. Code
Oct. 17, 2013	20-204	8022	47-392.02
		8032(a)	2-1217.72
		8032(b)	2-1217.73
		8032(c)	2-1217.73b
		8033	2-1217.73
		8042(a)	10-1801
		8042(b)	10-1803
		8042(c)	10-1804
		8042(d)	10-1805
		8043	47-895.23
		9018	42-2812.03
		10003	35-233
		10004	50-921.34
		10005	1-325.251
		10006	47-2002
Nov. 7, 2013	20-205	2	10-801
	20-209	2	1-1001.08
	20-210	2(a)	1-1001.08
		2(b)	1-1001.10

D.C. LAWS NOT CODIFIED TABLE

D.C. Law	Short Title	Publication
20-8	Egregious First-Time Sale to Minor Clarification Temporary Amendment Act of 2013	60 DCR 6399
Act 20-127	Fiscal Year 2014 Budget Request Act of 2013	60 DCR 11140
20-53	Commercial Driver's License Tests Amendment Act of 2013	60 DCR 15159
Act 20-208	Fiscal Year 2014 Tax Revenue Anticipation Notes Act of 2013	60 DCR 15496

Index

A

ABANDONED AND DETERIORATED PROPERTY.

Demolition or enclosure of deteriorated property.

Cost to demolish or enclose.

Recovery, §42-3173.10.

ACTIONS.

Business licenses.

Action to enforce provisions, §47-2844.

ADMINISTRATIVE FINES.

Bees.

Enforcement of subchapter, §8-1825.09.

Testing integrity (public schools).

Sanctions for violations, §38-771.04.

ADMINISTRATIVE PROCEDURE.

Testing integrity (public schools).

Sanctions for violations.

Administrative review, §38-771.05.

AGRICULTURE.

Sustainable urban agriculture apiculture act of 2012, §§8-1825.01 to 8-1825.09.

See BEES.

ANIMAL CONTROL.

Sustainable urban agriculture apiculture act of 2012, §§8-1825.01 to 8-1825.09.

See BEES.

ANIMALS.

Bees.

Sustainable urban agriculture apiculture act of 2012, §§8-1825.01 to 8-1825.09.

See BEES.

Sustainable urban agriculture apiculture act of 2012, §§8-1825.01 to 8-1825.09.

APICULTURE.

Sustainable urban agriculture apiculture act of 2012, §§8-1825.01 to 8-1825.09.

See BEES.

APPEALS, D.C. COURTS.

Banks and financial institutions.

Final orders of commissioner or final action of department, §26-551.20.

Testing integrity (public schools).

Sanctions for violations, §38-771.07.

ATTORNEYS' FEES.

Prompt payment.

Private contractor and subcontractor prompt payment act.

Failure to make prompt payments, §27-133.

Subcontractors, payments to, §27-135.

B

BANKS AND FINANCIAL INSTITUTIONS.

Appeal of orders of commissioner or department, §26-551.20.

BEES, §§8-1825.01 to 8-1825.09.

Africanized bees prohibited, §8-1825.06.

Bee stock, §8-1825.06.

Colony density, §8-1825.05.

Definitions, §8-1825.02.

Diseased colonies or equipment, §8-1825.07.

Enforcement of chapter, §8-1825.09.

Fees, §8-1825.08.

General authorization, §8-1825.03.

Hive requirements, §8-1825.04.

Infractions, §8-1825.09.

Injunctions.

Enforcement of chapter, §8-1825.09.

Multiunit buildings, §8-1825.05.

Neighbor approval, when required, §8-1825.05.

Nuisance colonies.

Destruction, §8-1825.06.

Remediation of swarms and nuisance conditions, §8-1825.04.

Permits required, §8-1825.04.

Property lines, limits, §8-1825.05.

Registration of colonies, §8-1825.04.

Fees, §8-1825.08.

Reimbursement of District's costs, §8-1825.08.

Remediation of diseased colonies, §8-1825.07.

Remediation of swarms and nuisance conditions, §8-1825.04.

Responsibilities of beekeepers, §8-1825.04.

Restrictions, §8-1825.03.

Rules and regulations, §8-1825.09.

Short title, §8-1825.01.

Sustainable urban agriculture apiculture act of 2012, §8-1825.01.

Swarming.

Destruction of nuisance colonies, §8-1825.06.

Remediation of swarms and nuisance conditions, §8-1825.04.

Water, §8-1825.04.

Written warning notice of violation.

Enforcement of chapter, §8-1825.09.

BICYCLES.

Public structures in public space.

Safe accommodation for pedestrians and cyclists required when path is obstructed, §§10-1141.03, 10-1141.04.

INDEX

BICYCLES —Cont'd

Traffic signals.

Pedestrian crossing signals, crossing with,
§50-2201.04d.

BONDS, SURETY.

Contractors' bonds.

Prompt payment, private contractors and
subcontractors.

Prohibition on requiring waiver of right
to claim mechanics' lien, §27-134.

BUILDING CONTRACTORS.

Private contractor and subcontractor prompt payment act, §§27-131 to 27-136.

See PROMPT PAYMENT.

BUILDINGS.

Construction contracts.

Prompt payment.

Private contractor and subcontractor
prompt payment act, §§27-131 to
27-136.

See PROMPT PAYMENT.

BURDEN OF PROOF.

Arrest records, requests to seal.

Burden to deny relief, §16-803.

BUSES.

Smoking, §7-1703.

"No Smoking" signs, §7-1704.

BUSINESS LICENSES.

Action to enforce provisions, §47-2844.

Controlled substances, transactions involving, §47-2844.

Disciplinary actions authorized against licensee, §47-2844.

Fines and civil penalties, §47-2844.

Illegal transactions, §47-2844.

Sealing of premises, §47-2844.

Stolen goods, transactions involving, §47-2844.

C

CELLULAR PHONES.

Testing integrity (public schools).

Prohibited acts, §38-771.03.

CHANGE OF GENDER, §§16-2501, 16-2503.

CHANGE OF NAME, §§16-2501, 16-2503.

CHILD AND FAMILY SERVICES AGENCY.

Compulsory school attendance.

10th unexcused absence.

Referrals to social services agencies,
§38-208.

COMPULSORY SCHOOL ATTENDANCE,

§§38-201 to 38-213.

End-of-year report.

Absences, §38-209.

COMPULSORY SCHOOL ATTENDANCE

—Cont'd

Jurisdiction, §38-213.

Notice.

10th unexcused absence as trigger for
notice.

Parental notice, §38-207.

Police and superintendent of education,
§38-208.

Police authority over truant child, §38-207.

Reports.

End-of-year report, §§38-203, 38-209.

Enrollment reports, §38-205.

Truancy referrals and enforcement,
§38-208.

Withdrawal reports, §38-205.

Superior court, §38-213.

10th unexcused absence.

Notice to parents.

Triggering notice upon 10th absence,
§38-207.

Notice to police and superintendent of
education.

Triggering notice upon 10th absence,
§38-208.

Referrals to social services agencies,
§38-208.

Truancy and Dropout Prevention Program, §38-241.

CONSTRUCTION CONTRACTS.

Prompt payment of private contractors and subcontractors generally, §§27-131 to 27-136.

See PROMPT PAYMENT.

CONSUMER PROTECTION.

Electric light and power companies.

Retail electric competition and consumer
protection, §§34-1501 to 34-1522.

CONTRACTORS.

Prompt payment, private contractors and subcontractors, §§27-131 to 27-136.

See PROMPT PAYMENT.

CONTRACTS.

Construction contracts.

Prompt payment.

Private contractor and subcontractor
prompt payment act, §§27-131 to
27-136.

See PROMPT PAYMENT.

Food service contracts.

Prompt payment.

Private contractor and subcontractor
prompt payment act, §§27-131 to
27-136.

See PROMPT PAYMENT.

CONTROLLED SUBSTANCES.

Business licenses.

Disciplinary actions against licensees,
§47-2844.

COSTS.

Prompt payment.

- Private contractor and subcontractor prompt payment act.
- Failure to make prompt payments, §27-133.
- Subcontractors, payments to, §27-135.

D

DEFINED TERMS.

Africanized bee.

- Bees, §8-1825.02.

Apiary.

- Bees, §8-1825.02.

Authorized personnel.

- Testing integrity (public schools), §§38-771.01, 38-2602.

Bee disease.

- Bees, §8-1825.02.

Bees, §8-1825.02.

Brood.

- Bees, §8-1825.02.

Business entity.

- Title insurance producers, §31-5041.01.
- Title insurers, §31-5031.01.

Bus stop.

- Smoking restrictions, §7-1702.

Civil celebrant.

- Marriage solemnization, §46-406.

Colony.

- Bees, §8-1825.02.

Comb.

- Bees, §8-1825.02.

Community net metering.

- Retail electric competition and consumer protection, §34-1501.

Community renewable energy facility.

- Retail electric competition and consumer protection, §34-1501.

Contract.

- Private contractor and subcontractor prompt payment act, §27-131.

Contractor.

- Private contractor and subcontractor prompt payment act, §27-131.

CREF.

- Retail electric competition and consumer protection, §34-1501.

CREF credit rate.

- Retail electric competition and consumer protection, §34-1501.

District.

- Compulsory school attendance, §38-201.

Districtwide assessments.

- Testing integrity (public schools), §§38-771.01, 38-2602.

Educational institution.

- Compulsory school attendance, §38-201.

Electric company.

- Retail electric competition and consumer protection, §34-1501.

DEFINED TERMS —Cont'd

ELL.

- Testing integrity (public schools), §38-771.01.

Good faith.

- Foreclosure mediation, §42-815.02.

Health benefit plan.

- Telehealth reimbursement, §31-3861.

Health insurer.

- Telehealth reimbursement, §31-3861.

Hive.

- Bees, §8-1825.02.

Honey bee.

- Bees, §8-1825.02.

IEP.

- Testing integrity (public schools), §38-771.01.

Individual.

- Title insurance producers, §31-5041.01.
- Title insurers, §31-5031.01.

Individual billing meter.

- Retail electric competition and consumer protection, §34-1501.

Knowingly.

- Business licenses, §47-2844.

LEA.

- Testing integrity (public schools), §§38-771.01, 38-2602.

Local education agency.

- Testing integrity (public schools), §§38-771.01, 38-2602.

Mayor.

- Smoking restrictions, §7-1702.

Mediation services.

- Foreclosure mediation, §42-815.02.

Multiunit.

- Bees, §8-1825.02.

Nonessential.

- Pesticide education and control, §8-431.

Nonmember state.

- Interstate compact on educational opportunity for military children, §49-1101.03.

OSSE.

- Testing integrity (public schools), §38-771.01.

Owner.

- Private contractor and subcontractor prompt payment act, §27-131.

Parent.

- Compulsory school attendance, §38-201.

Person.

- Bees, §8-1825.02.

Playground.

- Smoking restrictions, §7-1702.

Preemployment physical examination.

- Presumptive disability or death of fire and emergency medical services employees, §5-651.

Property.

- Bees, §8-1825.02.

Provider.

- Telehealth reimbursement, §31-3861.

INDEX

DEFINED TERMS —Cont'd

Public recreational facility.

Smoking restrictions, §7-1702.

Religious.

Marriage solemnization, §46-406.

Renewable energy credit.

Retail electric competition and consumer protection, §34-1501.

School year.

Compulsory school attendance, §38-201.

Society.

Marriage solemnization, §46-406.

SOS administrator.

Retail electric competition and consumer protection, §34-1501.

Subcontractor.

Private contractor and subcontractor prompt payment act, §27-131.

Subscriber.

Retail electric competition and consumer protection, §34-1501.

Subscriber organization.

Retail electric competition and consumer protection, §34-1501.

Subscription.

Retail electric competition and consumer protection, §34-1501.

Telehealth.

Telehealth reimbursement, §31-3861.

Temporary officiant.

Marriage solemnization, §46-406.

Testing integrity and security agreement.

Testing integrity (public schools), §§38-771.01, 38-2602.

Test integrity coordinator.

Testing integrity (public schools), §§38-771.01, 38-2602.

Test monitor.

Testing integrity (public schools), §§38-771.01, 38-2602.

Undisputed amount.

Private contractor and subcontractor prompt payment act, §27-131.

DELINQUENT MINORS.

Compulsory school attendance.

10th unexcused absence.

Referrals to social services agencies, §38-208.

DISCIPLINARY ACTIONS.

Teachers.

Testing integrity (public schools).

Sanctions for violations, §38-771.04.

DISCOVERY.

Insurance agreements.

No-fault motor vehicle insurance, §31-2403.01.

No-fault motor vehicle insurance.

Pre-litigation discovery of insurance, §31-2403.01.

Time limits.

No-fault motor vehicle insurance.

Pre-litigation discovery of insurance, response time, §31-2403.01.

DRIVERS' LICENSES.

Veteran designation, §50-1401.01.

Identification cards, §50-1401.03.

DUE PROCESS.

Testing integrity (public schools).

Sanctions for violations, §38-771.07.

E

EDUCATION.

Attendance.

Compulsory school attendance, §§38-201 to 38-213.

Compulsory school attendance, §§38-201 to 38-213.

Expulsion of students for weapons, §§38-231 to 38-235.

ELECTRIC LIGHT AND POWER COMPANIES.

Consumer protection.

Retail electric competition and consumer protection, §§34-1501 to 34-1522.

Retail electric competition and consumer protection, §§34-1501 to 34-1522.

Community renewable energy.

Definitions, §34-1501.

Disclosures to consumers, §34-1521.

Facilities, §34-1518.01.

General provisions, §34-1518.

Limitations on production or offsetting of electricity, §34-1518.01.

Net metering, §34-1518.

Policy, §34-1501.01.

Recovery of implementation costs, §34-1522.

Safety and performance standards of facilities, §34-1518.

Subscriptions, §34-1518.01.

F

FEEES.

Bees, §8-1825.08.

Marriage.

Authorization to solemnize, registration fee for, §46-406.

License fees, §15-717.

Domestic partners, §32-702.

FINES AND CIVIL PENALTIES.

Business licenses, §47-2844.

Testing integrity (public schools).

Sanctions for violations, §38-771.04.

FIRE AND CASUALTY INSURANCE.

Flood insurance.

Homeowner's and renter's insurance.

Notice that standard policy does not cover flood damage, §31-2502.28a.

Notice.

Homeowner's and renter's insurance.

Notice that standard policy does not cover flood damage, §31-2502.28a.

FIRE AND CASUALTY INSURANCE

—Cont'd

Notice —Cont'd

Homeowner's and renter's insurance

—Cont'd

Notice that standard policy does not cover losses from sewer line backup, §31-2502.28b.

Sewer line backup.

Homeowner's and renter's insurance.

Notice that standard policy does not cover losses from sewer line backup, §31-2502.28b.

FLOOD INSURANCE.

Homeowner's and renter's insurance.

Notice that standard policy does not cover flood damage, §31-2502.28a.

FOOD SERVICE CONTRACTS.

Private contractor and subcontractor prompt payment act, §§27-131 to 27-136.

See PROMPT PAYMENT.

FORECLOSURE.

Mortgages and deeds of trust.

Construction of provisions, §42-815.04.

G

GENDER IDENTITY OR EXPRESSION.

Change of name or gender, §§16-2501, 16-2503.

H

HEALTH BENEFITS PLANS.

Telehealth reimbursement, §§31-3861 to 31-3863.

HEALTH INSURANCE.

Telehealth reimbursement, §§31-3861 to 31-3863.

Definitions, §31-3861.

Denial when services covered in person prohibited, generally, §31-3862.

Medicaid reimbursement, §31-3863.

Private reimbursement, §31-3862.

HOMEOWNER'S INSURANCE.

Fire and casualty insurance generally, §§31-2501.01 to 31-2502.42.

I

INJUNCTIONS.

Bees.

Enforcement of chapter, §8-1825.09.

INSURANCE.

Discovery of insurance agreements.

No-fault motor vehicle insurance, §31-2403.01.

INSURANCE —Cont'd

Homeowner's insurance.

Fire and casualty insurance generally, §§31-2501.01 to 31-2502.42.

Renter's insurance.

Fire and casualty insurance generally, §§31-2501.01 to 31-2502.42.

INSURANCE AGENTS AND BROKERS.

Title insurers, favored producers, §31-5031.16.

INTEREST.

Prompt payment.

Private contractor and subcontractor prompt payment act.

Failure to make prompt payments, §27-133.

Subcontractors, payments to, §27-135.

J

JURISDICTION.

Compulsory school attendance, §38-213.

JUVENILE OFFENDERS.

Compulsory school attendance.

10th unexcused absence.

Referrals to social services agencies, §38-208.

L

LAW ENFORCEMENT OFFICERS.

Truants.

Authority over, §38-207.

LEGAL SERVICE.

Rulemaking authority, §1-608.61.

Senior executive attorney service, §1-608.53.

M

MARRIAGE.

Fees.

Authorization to solemnize, registration fee for, §46-406.

License fees, §15-717.

Domestic partners, §32-702.

Officials, §46-406.

Religious societies not required to solemnize, §46-406.

Solemnization, §46-406.

MECHANIC'S LIENS.

Prompt payment, private contractors and subcontractors.

Prohibition on requiring waiver of right to claim mechanics' lien, §27-134.

MEDICAID.

Telehealth reimbursement.

Medicaid reimbursement, §31-3863.

METRORAIL AND METROBUS.

Bus stops.

Smoking, §7-1703.

Stops.

Smoking, §7-1703.

MORTGAGES AND DEEDS OF TRUST.

Foreclosure.

Mediation, residential mortgages.

Construction of provisions, §42-815.04.

MOTOR VEHICLE ACCIDENTS.

Aged persons (50 years of age and older),

§§50-2001 to 50-2003.

Approval of accident prevention courses for, §50-2002.

Certificate of completion of accident prevention courses for, §50-2002.

Insurance discounts for completion of accident prevention courses for, §50-2003.

Need for accident prevention courses for, §§50-2001 to 50-2003.

Policy declaration, §§50-2001 to 50-2003.

MOTOR VEHICLE INSURANCE.

Aged persons (50 years of age and older).

Discounts for completion of accident prevention courses for, §50-2003.

N

NAMES.

Personal names, changing, §§16-2501, 16-2503.

NO-FAULT MOTOR VEHICLE INSURANCE.

Discovery.

Pre-litigation discovery of insurance, §31-2403.01.

Pre-litigation discovery of insurance, §31-2403.01.

NO SMOKING SIGNS.

Defacement, removal, or failure to post, §7-1706.

NOTICE.

Bees.

Written warning notice of violation.

Enforcement of chapter, §8-1825.09.

Compulsory school attendance.

Parents, notice.

10th unexcused absence as trigger for notice to parents, §38-207.

Police and superintendent of education.

10th unexcused absence as trigger for notice, §38-208.

P

PEDESTRIANS.

Public structures in public space.

Safe accommodation for pedestrians and cyclists required when path is obstructed, §§10-1141.03, 10-1141.04.

PESTICIDES.

Education and control.

Lists of pesticides classified as restricted-use or nonessential, §8-432.

Nonessential pesticides.

Classification as, §8-432.

Prohibited applications, §8-433.

Nonessential pesticides.

Classification as, §8-432.

Prohibited applications, §8-433.

PLAYGROUNDS.

Smoking, §7-1703.

"No Smoking" signs, §7-1704.

POPULAR NAMES AND SHORT TITLES.

Bees.

Sustainable urban agriculture apiculture act of 2012, §8-1825.01.

Compulsory school attendance, §§38-201 to 38-213.

Open container law.

On-premises retailer knowingly allowing customer to exit with an open container, §25-113.

Private contractor and subcontractor prompt payment act, §27-131.

Sustainable urban agriculture apiculture act of 2012, §8-1825.01.

Telehealth reimbursement, §31-3861.

Testing integrity act, §§38-771.01 to 38-771.07.

Uniform military and overseas voters act, §1-1061.01.

PRIVATE CONTRACTOR AND SUBCONTRACTOR PROMPT PAYMENT ACT, §§27-131 to 27-136.

See PROMPT PAYMENT.

PROMPT PAYMENT.

Private contractor and subcontractor prompt payment act, §§27-131 to 27-136.

Applicability.

Effective date, §27-136.

Contractors.

Defined, §27-131.

Contractors' bonds.

Prohibition on requiring waiver of right to sue on contractor's bond, §27-134.

PROMPT PAYMENT —Cont'd

Private contractor and subcontractor prompt payment act —Cont'd

Contracts.

Defined, §27-131.

Definitions, §27-131.

Effective date, §27-136.

Failure to make prompt payments, §27-133.

Subcontractors, payments to, §§27-134, 27-135.

Interest.

Failure to make prompt payments, §27-133.

Subcontractors, payments to, §27-135.

Liens.

Prohibition on requiring waiver of right to claim mechanics' lien, §27-134.

Owners.

Defined, §27-131.

Subcontractors.

Defined, §27-131.

Time for payments, §27-132.

Failure to make prompt payments, §27-133.

Undisputed amounts.

Defined, §27-131.

Failure to make prompt payments.

Subcontractors, payments to, §27-135.

Time for payments, §27-132.

Failure to make prompt payments, §27-133.

PUBLIC SCHOOLS.

Compulsory school attendance, §§38-201 to 38-213.

Testing integrity, §§38-771.01 to 38-771.07.

See TESTING INTEGRITY (PUBLIC SCHOOLS).

Q

QUICK PAYMENT ACT.

Prompt payment of private contractors and subcontractors generally, §§27-131 to 27-136.

See PROMPT PAYMENT.

R

RECREATIONAL FACILITIES.

Smoking, §7-1703.

"No Smoking" signs, §7-1704.

RELIGION, MINISTERS OF.

Solemnization of marriage.

Generally, §46-406.

RELIGIOUS BELIEFS.

Marriage.

Solemnization, §46-406.

RENEWABLE ENERGY PORTFOLIO STANDARDS.

Solar generation goals, reporting on, §34-1434.

RENTAL OF PUBLIC SPACE.

Public structures in public space.

Obstructing sidewalk or other pedestrian or bicycle path, §§10-1141.03, 10-1141.04.

RENTER'S INSURANCE.

Fire and casualty insurance generally, §§31-2501.01 to 31-2502.42.

REPORTS.

Compulsory school attendance.

Absences, end-of-year report, §38-209.

Truancy referrals and enforcement, §38-208.

Testing integrity (public schools).

Authorized personnel.

Responsibilities, §38-771.03.

RETAIL STORES.

Smoking restrictions, §7-1703.

"No Smoking" signs, §7-1704.

RETALIATION.

Testing integrity (public schools).

Districtwide assessments.

LEA administration.

Prohibition of retaliation against whistleblowing activities, §38-771.02.

RIGHTS OF WAY.

Bicycles and pedestrians.

Public structures in public space blocking sidewalks, lanes or paths, §§10-1141.03, 10-1141.04.

S

SCHOOLS AND EDUCATION.

Absences.

Compulsory school attendance, §§38-201 to 38-213.

Attendance.

Compulsory school attendance, §§38-201 to 38-213.

Compulsory school attendance, §§38-201 to 38-213.

Expulsion of students for weapons, §§38-231 to 38-235.

Firearms.

Expulsion of students for weapons, §§38-231 to 38-235.

Reports.

Expulsion of students for weapons, §38-235.

Testing integrity, §§38-771.01 to 38-771.07.

See TESTING INTEGRITY (PUBLIC SCHOOLS).

Weapons.

Expulsion of students for, §§38-231 to 38-235.

SECONDHAND DEALERS.

Disciplinary action against licensees, §47-2844.

SIGNS.

"No Smoking" signs.

Defacement, removal, or failure to post,
§7-1706.

**STATE SUPERINTENDENT OF
EDUCATION, OFFICE OF.**

Testing integrity (public schools).

Definition of OSSE, §38-771.01.
Duties and responsibilities of office,
§38-2602.

STOLEN PROPERTY.

Secondhand dealers, §47-2844.

SUBCONTRACTORS.

**Private contractor and subcontractor
prompt payment act,** §§27-131 to
27-136.

SUPERIOR COURT.

Compulsory school attendance, §38-213.

**SUSTAINABLE URBAN AGRICULTURE
APICULTURE ACT OF 2012,**

§§8-1825.01 to 8-1825.09.

See BEES.

T

TEACHERS.

Testing integrity (public schools).

Sanctions for violations, §38-771.04.

TEACHERS' RETIREMENT.

After June 30, 1946.

Excessing or other involuntary separation,
§38-2021.03.

TELEHEALTH REIMBURSEMENT,

§§31-3861 to 31-3863.

Definitions, §31-3861.

**TESTING INTEGRITY (PUBLIC
SCHOOLS),** §§38-771.01 to 38-771.07.

Alteration of responses.

Authorized personnel, prohibited acts,
§38-771.03.

Assisting students with answers.

Authorized personnel, prohibited acts,
§38-771.03.

Authorized personnel.

Defined, §38-771.01.
Responsibilities, §38-771.03.

Cell phones.

Authorized personnel, prohibited acts,
§38-771.03.

Definitions, §38-771.01.

Districtwide assessments.

Defined, §38-771.01.
LEA administration, §38-771.02.

Photocopying test materials.

Authorized personnel, prohibited acts,
§38-771.03.

Practice testing with secure materials.

Authorized personnel, prohibited acts,
§38-771.03.

**TESTING INTEGRITY (PUBLIC
SCHOOLS) —Cont'd**

Rulemaking to implement provisions,
§38-771.06.

Sanctions for violations, §38-771.04.

Administrative review, §38-771.05.

Due process, §38-771.07.

**State superintendent of education, office
of.**

Definition of OSSE, §38-771.01.

Duties and responsibilities of office,
§38-2602.

TITLE INSURANCE PRODUCERS.

Errors and omissions policy.

Requirements for licenses, §31-5041.02.

Favored producers, §31-5031.16.

TITLE INSURERS.

Favored producers, §31-5031.16.

TRAFFIC CONTROL DEVICES.

Bicycles.

Pedestrian crossing signals, crossing with,
§50-2201.04d.

TRAFFIC LAWS.

Bicycles.

Pedestrian crossing signals, crossing with,
§50-2201.04d.

Driverless vehicles, §§50-2351 to 50-2354.

Pedestrian crossing signals.

Bicycles, crossing with, §50-2201.04d.

TRUANCY.

Compulsory school attendance, §§38-201
to 38-213.

V

VETERANS.

Drivers' licenses.

Veteran designation, §50-1401.01.
Identification cards, §50-1401.03.

VITAL RECORDS.

Birth registration.

Change of gender, amendment of birth
certificate, §16-2503.

W

WEAPONS.

School buildings and grounds.

Expulsion of students for weapons brought
onto, §§38-231 to 38-235.

WHISTLEBLOWER PROTECTION.

Testing integrity (public schools).

Districtwide assessments.

LEA administration.

Retaliation against whistleblowing
activities, §38-771.02.

